

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

APP 3-1880
 N. EASTERN DIVISION
 UNITED STATES DISTRICT COURT
 STUART GUNNINGHAM, CLERK

DOCKETED

APR 29 1980

BALLY MANUFACTURING CORPORATION,

Plaintiff,

-vs-

D. GOTTLIEB AND COMPANY, a corporation, WILLIAMS ELECTRONICS, INC., a corporation and ROCKWELL INTERNATIONAL CORPORATION, a corporation,

Defendants.

CIVIL ACTION NO.

78-C-2246

Examination of DeWAYNE KNUETSON, called for examination by the Defendants, under and pursuant to the Federal Rules of Civil Procedure, pursuant to notice, before Donna M. Beres, a Notary Public in and for the State of Wisconsin, at 835 North Jefferson Street, Milwaukee, Wisconsin, on the 4th day of October, 1979, beginning at 10:00 o'clock in the forenoon, reported by Donna M. Beres.

A P P E A R A N C E S

DONALD L. WELSH, ESQ., of FITCH, EVEN & TABIN, 135 South La Salle Street, Chicago, Illinois, appeared on behalf of the Plaintiff.

A. SIDNEY KATZ, ESQ., of FITCH, EVEN &

TABIN, 135 South La Salle Street, Chicago, Illinois,

1 appeared on behalf of the Plaintiff.

2 MELVIN M. GOLDENBERG, ESQ., of McDougall,
3 Hersh & Scott, 135 South La Salle Street, Chicago, Illinois,
4 appeared on behalf of the Defendant, Williams Electronics,
5 Inc.

6 WAYNE M. HARDING, ESQ., of Arnold, White &
7 Durkee, 2100 Transco Tower, Houston, Texas, appeared on
8 behalf of the Defendants, Rockwell International Corporation
9 and D. Gottlieb and Company.

10

11 I N D E X

12 <u>WITNESS</u>	13 <u>EXAMINATION</u>	14 <u>PAGE</u>
DeWayne Knuetson	By Mr. Goldenberg By Mr. Harding	4 115

15

16

17 E X H I B I T S

18 <u>KNUETSON DEPOSITION EXHIBIT</u>	19 <u>MARKED</u>	20 <u>RECEIVED</u>
No. 1	27	-----
2	112	-----

1 C E R T I F I E D Q U E S T I O N S

2 PAGE LINE

3 17 18

4 25 21

5 26 22

6 65 19

7 81 15

8 Mr. Thompson has been serving you

9 approximately, until you stated

10 you're in your business, and you

11 Your name is Dwayne K. Kmetz.

12 You live at 30-B Beach Court, Mil

13 You're married.

14 I want to ask you

15 What's the distance between

16 Milwaukee and Kenosha?

17 It's about 15 miles.

18 Is that right?

19 That's right.

20 Is that right?

21 That's right.

22 Is that right?

23 That's right.

24 That's right.

25 That's right.

P R O C E E D I N G S

DeWAYNE KNUETSON, called for examination

by the adverse party; to-wit, the Defendants, being
duly sworn, testified as follows:

EXAMINATION

BY MR. GOLDENBERG:

Q This deposition is being taken pursuant to notice and
Mr. Knuetson has been served with a subpoena.

Mr. Knuetson, could you state your name as you ordinarily use it in your business and give your residence address?

A My name is DeWayne K. Knuetson.

I live at 5078 Beech Court, Milwaukee, Wisconsin.

K-n-u-e-t-s-o-n.

Q You might want to spell your first name, too.

I made a mistake the first time.

A D-e capital W-a-y-n-e.

O Mr. Knuetson, are you employed?

A Yes, sir.

O By whom?

A General Electric.

o In what capacity?

A I'm a tester.

Q Where are you employed by General Electric, sir?

A I'm at the New Berlin Plant.

Q What product is manufactured there?

1 A There are several products.

2 Q Well, what products are manufactured there?

3 A Well, the place I work at, we manufacture prints
4 circuits for all the print boards or products that
5 General Electric manufactures here in this area.

6 Q Is that the products of its Medical Systems Division?

7 A Yes. As it is, sir. It is your background.

8 Q Would that include x-rays?

9 A Yes. really if you have any other business or occupation.

10 Q Patient monitoring systems?

11 A Yes, I suppose it would.

12 Q To the extent you know, sir? I think it would be all right.

13 A Yes. to answer generally what the business is, but I

14 Q If you don't know, certainly feel free to give that as
15 your answer. as background information.

16 A Well, I guess I would have to say I don't know because
17 they have 1,700 different boards.

18 Q And you say you are a tester?

19 Q What do you test? what that is?

20 A I test the boards to make sure that they're working
21 to quality control specifications.

22 Q How long have you been employed by General Electric?

23 A A little over one year. part owner of that business?

24 Q And during that entire period of time, have you been
25 employed as a tester? franchising company?

1 A Yes.

2 Q Mr. Knuetson, do you have any business or occupational
3 activity apart from your employment with General
4 Electric? *It's the name of your company, but you won't*

5 A Yes, I do, but I would -- I don't -- I don't assume
6 it's relevant to what we are talking about here anyway.

7 Q I think it is, sir. *It is your background.*

8 Q I don't want to know the details of your business but
9 A generally if you have any other business or occupation,
10 I think it maybe helpful to the Court. *of your company*

11 A I don't see why. *Management, Incorporated.*

12 Q I see, sir. MR. WELSH: I think it would be all right
13 A just to answer generally what the business is, but I
14 Q agree with you that the question of relevance is just
15 beyond general background information.

16 THE WITNESS: Okay. Yes, I do have a
17 A business. *new in Milwaukee.*

18 Q I see, sir. MR. GOLDENBERG:

19 Q Could you tell me what that is?

20 A It's the Red Baron Room here in Milwaukee. *to the*

21 Q What is the Red Baron Room? *I think it's*

22 A It's an arcade. *in the area here.*

23 Q Are you an owner or a part owner of that business?

24 A Sort of like a franchise. *Wish, the division*

25 Q What's the name of the franchising company? *and to be*

1 A Red Baron Family Amusement Centers.

2 Q Where is that company located, sir?

3 A Well, I am the company.

4 Q Well, that's the name of your company, but you say
5 it's a kind of a franchise.

6 What's the name of the franchise?

7 A The name of the franchise?

8 Q Yes.

9 A I just told you what the name of the franchise was.

10 It's the name of -- The name of the original company
11 was Red Baron Amusement, Incorporated.

12 Q I see, sir.

13 A They're the ones that own it.

14 Q They're the ones that own it.

15 Q Where is Red Baron Amusement located?

16 A Where is that company located?

17 A It's right here in Milwaukee.

18 Q I see, sir. Are you -- It's not clear to me.

19 Q Are you a part owner of that Red Baron Arcade?

20 A Not that and MR. WELSH: Counsel, I object to the

21 Q question. His ownership in that I don't think is
22 relevant to the issues in our lawsuit here.

23 A Sta. MR. GOLDENBERG: I'm not sure of that

24 C at all, sir; and as you know, Mr. Welsh, the question

25 is not relevancy but it is reasonably calculated to lead

1 to the discovery of the principle evidence.

2 Q Are you a part owner of the Red Baron Arcade or an
3 owner?

4 A I don't know. I have to talk to my counsel because
5 I don't know how to answer that.

6 MR. WELSH: Mr. Knuetson has indicated
7 that the information sought by your questioning is
8 highly confidential and I instruct him that he need
9 not answer the question.

10 MR. GOLDENBERG: We will come back to the
11 question.

12 Q Mr. Knuetson, are you represented by counsel this
13 morning?

14 A Yes.

15 Q Who is that?

16 A These two people here.

17 Q Who are those people?

18 A Well --

19 Q You don't remember his name right now, do you?

20 A Not that one I don't know.

21 Q Who is the other gentleman? Do you remember his
22 name?

23 A Sid.

24 Q What's his last name?

25 A It's been a while since I remember.

1 I don't remember at this point.

2 Q When did you hire him or hire them?

3 ~~you speak~~ MR. WELSH: Let me say this, Mr. Goldenberg.

4 We have represented Mr. Knuetson and there's been some
5 kind of representative of him since we first became
6 acquainted and it's our position that any communications
7 between him and us are confidential and immaterial,
8 subject to privilege.

9 ~~I had no idea~~ MR. GOLDENBERG: I haven't asked anything
10 about communications.

11 ~~I am~~ MR. WELSH: I'm just advising you so that
12 you understand.

13 ~~I am~~ MR. GOLDENBERG: We will deal with that
14 when we get to it.

15 Q When did you hire them, sir?

16 A It became official last night.

17 Q How much are you paying them?

18 ~~I have no idea~~ MR. WELSH: That's an objectionable
19 question and instruct the witness need not answer.

20 Our arrangements for the compensation are not relevant
21 nor might lead to admissible evidence and instruct
22 you not to answer.

23 ~~A I don't know~~ MR. GOLDENBERG:

24 Q All right. What led you to lead you to hire these two
25 gentlemen?

1 MR. WELSH: That question is also
2 objectionable to the extent that it might lead to
3 communications with us.

4 MR. GOLDENBERG: I'm not asking for any
5 communications, sir.

6 Q Did you feel the need of a lawyer in connection with
7 this deposition this morning, sir?

8 A Well, let me just simply say I've never been to one.
9 I had no idea what it was. So --

10 Q Does that complete your answer?

11 A Yes.

12 Q Why did you hire these two particular lawyers?

13 A I wanted to find out what I was getting into.

14 Q Why didn't you hire a Milwaukee lawyer?

15 MR. WELSH: I object to the question.

16 I don't think this is a proper line of questioning
17 at all as to his reasons for hiring a lawyer.

18 It has nothing to do with the facts surrounding this
19 lawsuit and I instruct him and he need not answer.

20 MR. GOLDENBERG:

21 Q When was the first time you talked to either one of
22 these two gentlemen?

23 A I don't remember.

24 Q Was it yesterday?

25 A No.

1 Q A week ago? A month ago?

2 A No.

3 Q Longer than that?

4 A Yes.

5 Q Two months ago?

6 A Yes.

7 Q Which one of the two gentlemen did you talk to?

8 Was it Sidney or Donald on the first occasion?

9 A I talked to both of them.

10 Q Together at the same time?

11 A Yes.

12 Q Was that in Milwaukee?

13 A Yes.

14 Q They traveled up to Milwaukee?

15 A Yes.

16 Q Was this at your request?

17 A Yes.

18 Q You asked them to come up here?

19 A Yes.

20 Q How did you find out their names to make that request
21 of them?

22 A I found out from Jeff.

23 Q Who's Jeff?

24 A Pardon?

25 Q Who's Jeff?

1 A Jeff Fredrickson.

2 Q Did Mr. Fredrickson suggest that you call them?

3 A I don't remember.

4 Q Well, what led you to call them after talking to Mr.
5 Fredrickson?

6 A I don't remember that either.

7 Q And that was a few months ago?

8 A Yes.

9 MR. WELSH: I object to the question
10 as mischaracterizing his testimony.

11 MR. GOLDENBERG: Oh, I'm sorry. I didn't
12 mean to do that.

13 MR. WELSH: You asked one question was
14 it more than a month ago and I believe he said yes.
15 At the same time, you were asking the question more
16 than two months ago and I don't think he used the
17 term several months at all.

18 MR. GOLDENBERG: I thought I just used
19 the term few.

20 Q Approximately how many months ago was it, sir?

21 A I really don't know.

22 Q Was it after I spoke to you on the telephone?

23 A Your question is did I or I don't understand your
24 question.

25 Q All right. Did you contact either one of these two

1 gentlemen after you and I spoke on the telephone for
2 the first time?

3 A Yes.

4 Q Have you and I ever met before?

5 A No.

6 Q We've spoken on the telephone twice I believe; isn't
7 that correct?

8 A I don't know.

9 Q Once or twice, would you agree with that?

10 I have called your home more than that, but you have
11 not been in.

12 A Well, I don't remember how many times we talked
13 specifically. It was something like that, yes.

14 Q And after I first called you on the phone and
15 indicated I wanted to talk to you in connection with
16 the subject matter of this lawsuit, you do remember
17 such a telephone conversation; don't you?

18 A Yes.

19 Q What did you do in connection with that telephone
20 call?

21 A In relationship?

22 Q Yes.

23 A I don't understand that question either.

24 Q Well, did you talk to anybody about it?

25 A Yes.

1 MR. WELSH: I object to the question to
2 the extent that it calls for communications with us
3 and I instruct the witness that he need not answer.

4 MR. GOLDENBERG: He need not answer the
5 question at all?

6 MR. WELSH: To the extent that it calls
7 for the substance of any communications with us including
8 whether or not we've discussed the particular subject
9 matter.

10 I instruct him he need not answer.

11 MR. GOLDENBERG:

12 Q After you and I had the first telephone conversation,
13 did you talk to anyone about that telephone conversation
14 other than these two gentlemen whose last names you
15 don't know? ..

16 : MR. WELSH: I don't believe he said he
17 didn't know. I believe he said he didn't remember.

18 MR. GOLDENBERG: Semantics.

19 THE WITNESS: I would have to answer that,
20 yes.

21 MR. GOLDENBERG:

22 Q Who did you talk to?

23 A I talked to one of the girls out at work.

24 Q One of the girls out at work?

25 A Yes.

1 Q What girl was that?

2 A One of the girls I work with.

3 Q What's her name?

4 A I don't remember.

5 Q What did you talk to her about?

6 A I just mentioned that to her in a conversation.

7 Q What did you say to her?

8 A I don't remember.

9 Q What did she say to you?

10 A I don't remember what that was either.

11 Q Do you remember any particular reason for talking to
12 this girl at work?

13 MR. WELSH: I object to this complete
14 line of questioning, counsel.

15 It's getting us nowhere. It has no relation to the
16 issues in the lawsuit.

17 MR. GOLDENBERG: There's a considerable
18 issue to the lawsuit, Mr. Welsh, as you well know.

19 MR. WELSH: And I object to the extent
20 it calls for his reasons for doing something.

21 MR. GOLDENBERG:

22 Q Mr. Knuetson, is it a correct understanding that you
23 retained those two gentlemen as your lawyers last
24 night?

25 A Officially, yes.

1 Q What do you mean officially?

2 A Well, at that point where I said definitely, I wanted
3 them to represent me.

4 It was kind of a tentative agreement before that.

5 Q When was this tentative agreement entered into?

6 A It was in one of the conversations we had previously.
7 I don't remember which one.

8 Q How many times have you met with either one or both
9 of these two gentlemen in person?

10 A Twice.

11 Q What were those occasions, sir?

12 A I don't understand.

13 Q When was the first time you met with one or both of
14 them?

15 A It was several months ago after I talked to him --
16 talked to him about what I was getting into, you know,
17 as far as this suit and you guys not going on.

18 Q All right. What was the second occasion?

19 A Last night, yesterday.

20 Q When you first met with them, you had not hired them
21 as a lawyer, had you, as a lawyer for yourself; had
22 you?

23 A Well, tentatively I had, yes.

24 Q Tentatively you have?

25 A I believe at that time they indicated they would if it

1 was required they would represent me.

2 That satisfied my need as far as I was concerned.

3 Q I see. Did they volunteer that, sir?

4 A Volunteer what?

5 Q To represent you?

6 A After I had requested it, yes.

7 Q You requested it?

8 A (Witness nods head affirmatively)

9 Q All right. So let's go back to the occasion of the
10 first telephone conversation you had with me and then
11 you said you spoke to a girl at work.

12 Was that at General Electric?

13 A (Witness nods head affirmatively)

14 Q And you don't recall what you said to her?

15 A No.

16 Q Do you recall what she said to you?

17 A No.

18 Q Why did you pick this particular girl to talk to?

19 MR. WELSH: I object to the question as
20 calling for his mental processes and opinion and you've
21 inquired and found out that he has no recollection of
22 what was said in a conversation.

23 MR. GOLDENBERG: Mr. Welsh, I am going
24 to tell you right now. You go ahead and do this if
25 you want to, but this is an important witness and one

1 way or another, his knowledge of this subject is
2 going to get in front of the Court and it's going to
3 get in front of the patent office and you can go ahead
4 and obstruct all that you can, but have no misunderstanding,
5 we are going to get his knowledge of this subject and
6 everything that's relevant to this lawsuit.

7 Now the question is a perfectly proper one and I think
8 I'm entitled to have an answer to it.

9 I would like an answer to the question.

10 MR. WELSH: I continue my objection and
11 instruct the witness he need not answer.

12 MR. GOLDENBERG: Would you mark the
13 question, please.

14 Q And I order this might be gathered together at a
15 convenient place for the Court and I apologize for
16 repeating, Mr. Knuetson, but you definitely retained
17 these two gentlemen as your lawyers last night; is
18 that correct?

19 A (Witness nods head affirmatively)

20 Q And you will not answer anymore questions about the
21 Red Baron Arcade; is that correct?

22 MR. WELSH: That wasn't the objection.
23 The objection was to the particular question that was
24 asked and I think it's mischaracterizing his testimony
25 to say that he said he would not answer any more questions

1 about the Red Baron.

2 MR. GOLDENBERG: Well; let's explore that,
3 sir.

4 Q Are you a part owner or an owner?

5 A That question I don't want to answer.

6 Q Why not?

7 A Because it's confidential information.

8 MR. WELSH: And I have instructed the
9 witness that he's within his rights in refusing to
10 answer that question.

11 MR. GOLDENBERG:

12 Q Do you have any kind of business association with Mr.
13 Nutting?

14 A None.

15 Q Any kind with Mr. Fredrickson?

16 A No.

17 Q Do you have any kind of business association with
18 Bally Manufacturing?

19 A No.

20 Q Midway?

21 A No.

22 Q Do you have any kind of business association with
23 any other company?

24 A No. Oh, wait a minute. Could you clarify that a
25 little bit? I mean I do purchase things for the Red

1 Baron. This is an association, also.

2 Q No, I'm not talking about purchasing, sir, with
3 reference to being in a partnership or sharing it with
4 any other company?

5 A None. Mr. Nutting or Jeff Fredrickson, neither of
6 them have anything of the Red Baron or anything as far
7 as I know.

8 Q And neither Bally or Midway have anything to do with
9 Red Baron, to your knowledge?

10 A None.

11 Q How about Empire Distributing?

12 A None.

13 Q Does any arcade game manufacturer have anything to do
14 with Red Baron?

15 MR. WELSH: I will object to the question.
16 It's indefinite as to what you mean by anything to do
17 with.

18 MR. GOLDENBERG:

19 Q Having any interest in Red Baron, sir?

20 A No.

21 Q All right. Sir, apart from this conversation with
22 this girl at work, did you have any conversation with
23 anybody else following my telephone conversation with
24 you?

25 MR. WELSH: I object to the question as

1 indefinite about what you said, any conversation with
2 anybody else.

3 MR. GOLDENBERG: I don't think -- I think
4 it's perfectly clear.

5 Q With respect to that telephone conversation that you
6 and I had --

7 A Did I talk to -- I think I talked to Don or well, one
8 of the lawyers.

9 Q What led you to talk to Don or one of the lawyers?

10 MR. WELSH: I object to the question as
11 calling for his mental processes as to what led him
12 to do something, a reason why he did something and I
13 instruct the witness he need not answer.

14 MR. GOLDENBERG:

15 Q Where did you hear of Don or one of the lawyers that
16 led you to call them?

17 MR. WELSH: I object to the question as
18 already asked and answered. You are repeating.

19 MR. GOLDENBERG:

20 Q Did Mr. Fredrickson give you their names, sir?

21 MR. WELSH: He's already answered the
22 question, counsel.

23 MR. GOLDENBERG:

24 Q Did Mr. Fredrickson give you their names? Let's have it
25 again.

1 A Gees, I don't remember where I first got them.

2 I don't really remember how the first conversation
3 between I and the lawyers came on.

4 Q Well, following the telephone conversation with me,
5 did you talk to Mr. Fredrickson?

6 A I don't remember that either.

7 Q Did you talk to Mr. Nutting?

8 A No.

9 Q Did you talk to anybody connected with Bally?

10 A No.

11 Q Did you talk to anybody connected to Midway?

12 A No.

13 Q Well, did you pick up a telephone book, a Chicago
14 telephone book and pick out some lawyer's name; is
15 that how you found out about these two gentlemen?

16 A I don't know.

17 Q Did you look in Martindale and Hauble? (phonetical
18 spelling)

19 A No.

20 Q And you just don't remember how you came across their
21 names?

22 A No, I don't.

23 Q No idea. Do you want to think about it a minute?

24 I really would like to have your best recollection.

25 A Is that a question I was supposed to answer?

1 Q Yes, sir. I'm asking you to think and give me your
2 best recollection?

3 A I can answer that, but it would have to be more of
4 a guess.

5 MR. WELSH: Don't speculate if you don't
6 recall.

7 THE WITNESS: No, I don't recall it.

8 MR. GOLDENBERG:

9 Q The girl you talked to at General Electric, was she
10 an attorney?

11 A No.

12 Q Do you recall what kind of a position she had?

13 A Well, I imagine probably the same as what we do.

14 It's a visual - sir, having to do with drawing

15 MR. WELSH: I would like to instruct
16 you again not to speculate. If you know, fine.

17 THE WITNESS: I don't remember.

18 MR. GOLDENBERG:

19 Q When you first met with these two gentlemen, Don and
20 Sid, how long was that meeting to your best recollection
21 sir?

22 A About an hour.

23 Q Where was it held?

24 A It was held in Milwaukee.

25 Q Whereabouts in Milwaukee?

1 A At my place.

2 Q In your home?

3 A Yes.

4 Q Was it in the evening, morning or what time of the day?

5 A It was in the afternoon.

6 It was probably more of a getting together than a
7 meeting because we didn't really discuss anything.
8 We went out to lunch is what we did.

9 Q What day of the week was it?

10 A Sunday.

11 Q Were you advised at that meeting not to talk to me
12 about this case? V.O.

13 A I don't remember what to mention in this case.

14 Q Do you recall, sir, anything about the first telephone
15 conversation you and I had?

16 A Yes.

17 Q Could you give me your recollection of that telephone
18 conversation?

19 A You called and you wanted to get together over lunch
20 some place or have a meeting, whatever you want to call
21 it, to discuss some relative points in connection with
22 MCI. I remember.

23 Q And do you recall what you said?

24 A Yes.

25 Q What's your recollection there?

1 A I was most happy to get together with you.

2 The only problem was trying to get together with the
3 time because I'm very busy.

4 Q Do you recall any subsequent conversation that we had?

5 A Not really.

6 Q Did you ever change your mind about being happy to
7 get together with me?

8 A Yes.

9 Q Why?

10 A Well, I started getting an awful lot of phone calls
11 and I couldn't -- I just couldn't pull things together
12 to get together with you. I wanted to.

13 Q Did I leave you my telephone number and tell you to
14 call me collect at your convenience?

15 A Yes.

16 Q You never did that, did you?

17 A No.

18 Q Isn't it a fact that at some point you decided not
19 to get together with me and talk about that?

20 A Yes, very definitely.

21 Q Did anyone ever suggest to you that you not get together
22 with me?

23 MR. WELSH: I object to the question to

24 the extent -- I object to the question because it just

25 is answering the question by itself. You might indicate

whether or not he had a conference with counsel and what the subject matter of the conference was.

I'm instructing him he need not answer.

MR. HARDING: Mark that response, please.

MR. GOLDENBERG: Mr. Welsh, that's not privileged and you know it. I will repeat the question.

Q Did anyone ever suggest that you not get together with me?

MR. WELSH: And I repeat the objection
the witness he need not answer.

MR. GOLDENBERG:

Q Would you answer the question, sir?

A My counsel says no. No, I won't.

Q Did Mr. Fredrickson ever suggest that you not get together with me?

A No.

O Did he ever suggest that you call anybody?

A I don't remember whether he did or not.

Q Did anyone other than these two gentlemen, Sid and Don,
ever suggest that you not get together with me?

A No.

Q Could you tell me once again your reasons for not wanting
to get together with me?

MR. WELSH: I object to the question and

I object to the previous question, to the previous similar

1 question on the ground that he need not give you his
2 reasons or mental processes.

3 MR. GOLDENBERG: I would like that one
4 marked, also.

5 MR. WELSH: Also, it was asked and answered.

6 MR. GOLDENBERG:

7 Q Have you done anything to prepare yourself for this
8 deposition today?

9 A Yes.

10 Q What have you done, sir?

11 A Well, I went and looked through my notes that I had.

12 Q Did you bring those notes with you?

13 A No, I did not.

14 Q Do you have a copy of the subpoena, sir?

15 I would like the original of the subpoena served on
16 the witness marked as Knuetson Deposition Exhibit 1.

17 (Knuetson Deposition Exhibit No. 1 was
18 marked for identification.)

19 Q Mr. Knuetson, I show you Knuetson Deposition Exhibit
20 No. 1 and I ask you if you read that subpoena when you
21 got it?

22 A Yes, I did.

23 Q Now did you do anything after you received the subpoena?

24 A I don't understand the question.

25 Q Well, did you make any search for documents in any

1 files that you might have?

2 A Yes.

3 Q Did you find any?

4 A Yes, I had the documents.

5 Q Where are they?

6 A Right where I work.

7 Q Why aren't they here?

8 A My attorneys advised me not to bring them.

9 MR. GOLDENBERG: Can you explain that,

10 Mr. Welsh?

11 MR. WELSH: Yes, the subpoena is defective.

12 MR. GOLDENBERG: What's defective, counsel.

13 MR. WELSH: Rule 30B (1) requires that if
14 a witness is to be examined in a deposition is going
15 to be asked to bring documents that they be designated
16 in the notice and the notice in this case did not
17 designate any documents. Therefore, it did not comply
18 with Rule 30B (1) and the subpoena, therefore, in
19 calling for the production of documents or things was
20 improperly issued because that was based on an improper
21 notice.

22 Further, the document request is unduly broad particularly
23 with respect to all documents in existence prior to
24 1977 relating to coin operated games.

25 That on its face is clearly broad, but it's our position

1 as to the deposition.

2 MR. GOLDENBERG: I take it you don't
3 have that objection, that particular objection to
4 Paragraph 1? I just want to have your position.

5 MR. WELSH: Yes, that would be objectionable
6 as being unduly broad also.

7 MR. GOLDENBERG: I see. The notice of
8 the deposition had a copy of the subpoena attached to
9 it. Therefore, you were on notice, sir, as what
10 documents were being sought. Why didn't you move to
11 quash the subpoena?

12 MR. WELSH: I don't believe I have to
13 answer that counsel.

14 The subpoena is defective.

15 MR. GOLDENBERG: All right, sir. I'm
16 going to issue another subpoena today and I want to
17 see those documents here tomorrow along with the --

18 MR. WELSH: If you issue a subpoena
19 today, we will take whatever steps are necessary.
20 We've scheduled another deposition tomorrow.

21 The original --

22 MR. GOLDENBERG: I don't think you read
23 carefully the notice in this deposition the day to day,
24 to continue day to day.

25 MR. WELSH: But the subpoena itself calls

1 for only his appearance today.

2 MR. GOLDENBERG: I will issue another
3 subpoena. Am I going to have to do that?

4 MR. WELSH: Yes, you would.

5 MR. GOLDENBERG: Excuse me. We will
6 adjourn the deposition for tomorrow.

7 MR. WELSH: It's not timely, I might say
8 that.

9 MR. GOLDENBERG: It's quite timely.

10 MR. HARDING: It's timely, absolutely.

11 MR. WELSH: I would like to say for the
12 record, I don't know. Maybe you want Mr. Harding
13 here. Mr. Goldenberg, when I stated that I would
14 like to make a statement for the record now before
15 you serve the subpoena.

16 MR. GOLDENBERG: Mr. Harding will be back
17 in a moment. MR. GOLDENBERG: I suspect both of us

18 MR. WELSH: I will advise you before
19 he comes that if you do serve another subpoena calling
20 for his presence tomorrow that we will move the Court
21 today.

22 MR. GOLDENBERG: I suspect both of us
23 are going to be moving to Court before today is over.

24 MR. HARDING: I have one trip to the
25 Courthouse.

1 MR. WELSH: Off the record.

2 (Whereupon a discussion was held off the
3 record.)

4 MR. WELSH: Based on your representation
5 that you are going to serve another subpoena on the
6 witness today for an appearance tomorrow, it's necessary
7 for us to obtain local representation and that's what
8 Mr. Katz is doing, and I might say that as I advised
9 you a few minutes ago that if you do serve another
10 subpoena, it will be necessary for us to go before the
11 Court for a motion to strike it.

12 The witness in response to the subpoena set aside this
13 day from his busy work schedule and your service of
14 the subpoena will mean that it will not be possible
15 to go forward with the deposition today.

16 I just want to advise you that he is available all day.

17 MR. GOLDENBERG: I understand that, sir,
18 and we will probably go all day, but at the rate we
19 are going and the issues that we have, it's quite clear
20 that we are not going to complete this day or is a
21 very strong likelihood in connection with this.

22 MR. HARDING: Let me ask Mr. Welsh.

23 Mr. Welsh, I was aware that Thursday was selected for
24 the deposition by Mr. Knuetson so that we would have
25 Friday to finish the deposition if that was needed

1 and I believe that Mr. Goldenberg's partner, Mr. Rifkin,
2 conveyed that also to your office at least last week.

3 Were you not aware that we were planning and that the
4 notice said it will continue from day to day until
5 completed?

6 You are his counsel. Now you represent him and I
7 believe the witness was fully informed through you of
8 the notice that we would go two days.

9 MR. WELSH: The notice I agree says to
10 continue from day to day.

11 The subpoena did not and --

12 MR. GOLDENBERG: Mr. Welsh, you are his
13 counsel. It seems to me that you could well have
14 advised him of the conversations that we have had that
15 this deposition could go two days.

16 MR. WELSH: We advised him under the
17 subpoena he is a third party witness.

18 We advised him that under the subpoena which only
19 called for one day. He only needed to set aside for
20 one day.

21 MR. GOLDENBERG: Well, you perhaps aren't
22 giving good advise and I would like to state on the
23 record that Rule 30B of the Federal Rules of Civil
24 Procedure with respect to noticing of depositions reads
25 thus in the last sentence. If a subpoena duces tecum

1 is to be served on the person to be examined, the
2 designation of the materials to be produced as setforth
3 in the subpoena shall be attached to or included in the
4 notice. We included a copy of the subpoena which had
5 the designation of materials and --

6 MR. WELSH: Included where?

7 MR. GOLDENBERG: That was included with
8 the notice served on you.

9 MR. WELSH: We never received a copy of
10 the subpoena from you.

11 MR. GOLDENBERG: If I'm informed on that,
12 I surely apologize. I do not believe that to be the
13 case.

14 MR. WELSH: Because if we had, then a
15 different position would have been taken.

16 MR. GOLDENBERG: Well, that is not my
17 understanding, sir. That is not my understanding
18 and may I ask him when was the first time you saw the
19 subpoena?

20 MR. WELSH: I don't have to discuss that
21 with you.

22 MR. GOLDENBERG: You may have to discuss
23 it before the judge.

24 MR. WELSH: That's true.

25 MR. GOLDENBERG: But you don't have to

1 discuss it with me now.

2 MR. HARDING: Will you tell us when your
3 office received copy of the notice and answer whether
4 your office received a copy of the subpoena.

5 MR. WELSH: There were two notices
6 I believe and the second was a corrected notice that
7 we received August 3rd.

8 I believe the certificate of service indicates that.

9 MR. GOLDENBERG: August 3rd or August 30th?

10 MR. WELSH: 31st, I'm sorry.

11 MR. GOLDENBERG: And do I understand so
12 we can have no mistake on the story that the documents
13 will not be produced today; is that it?

14 MR. WELSH: That's correct.

15 MR. GOLDENBERG: Okay.

16 Q Mr. Knuetson, how many documents are there?

17 A In relationship to what?

18 Q To this. The documents that you studied before you
19 gave your deposition here?

20 A Well, I don't understand the question.

21 Can I talk to him for a minute?

22 MR. GOLDENBERG: Sure.

23 Mr. Welsh, I apologize to you, sir. I have just
24 spoken and apparently the subpoena was not attached
25 to the notice of deposition. I assumed that it was

1 because it was included in our file and clipped to
2 it and I misunderstood the significance of that.

3 In any case, I ask you are the documents going to be
4 produced?

5 MR. WELSH: Today?

6 MR. GOLDENBERG: Today or tomorrow.

7 MR. KATZ: What's that?

8 MR. WELSH: What document?

9 MR. GOLDENBERG: The documents that the
10 witness has testified about that he looked over before
11 he gave his deposition today.

12 MR. WELSH: The answer to your question
13 is no.

14 MR. GOLDENBERG: All right. So then we
15 will as I say issue a new subpoena and it will be for
16 tomorrow and unless you know we find some way of working
17 it out today because we do want to see the documents
18 because we are entitled to see them.

19 Mr. Welsh, is it your position that your witness can
20 ignore a subpoena or --

21 MR. WELSH: Counsel, I'm not going to
22 argue the merits at this point.

23 The witness is here and he's available for your
24 examination. If you are not going to examine him, he's
25 already going to lose one day of work and if you are not

1 going to examine him, we will take the position that
2 he's free to leave, but just harassing him to make him
3 stay here, he's a third party witness and for us to
4 argue the merits -- We stated our position that the
5 subpoena is defective.

6 We're not going to produce documents today.

7 MR. GOLDENBERG: And you never moved to
8 quash, did you?

9 MR. WELSH: That is correct.

10 MR. GOLDENBERG: All right, sir.

11 Then you never saw the protective order from the Court
12 in Chicago, did you?

13 MR. WELSH: No. We were, with respect
14 to the subpoena, we were representing this witness
15 as a third party witness.

16 MR. GOLDENBERG: Okay.

17 Q Mr. Knuetson, prior to your employment by General
18 Electric, what did you do for a living?

19 A Well, basically electronic technician for various
20 companies.

21 Q All right, sir. What company were you working for
22 prior to your employment by General Electric and I
23 understand you've been there about a year; is that
24 correct?

25 A I've been working on this particular project for about

1 a little over two years. I was a permanent employe
2 with General Electric for a little over a year.

3 Q Were a permanent employe of General Electric for a
4 little over a year, but you've been working on this
5 particular project for a little over two years.

6 Were you employed by some other company prior to your
7 employment by General Electric?

8 A Yes.

9 Q What was the name of that company?

10 A Omega Technical Corporation.

11 Q Where is that located, sir?

12 A The address?

13 Q Yes.

14 A I don't know what the address is but it's right here
15 in Milwaukee.

16 Q In the City of Milwaukee?

17 A Yes.

18 Q And in what capacity were you employed by that company?

19 A Field engineer.

20 Q What generally were your duties as a field engineer?

21 A I was working and testing print circuit boards for
22 General Electric.

23 Q What are the products or services of Omega?

24 What business was it in?

25 A Omega is a contract engineering firm. They contract

1 out people, professional people I mean.

2 Q I see. And how long have you been working for Omega?

3 A I think it was about eight months.

4 Q Before you joined General Electric?

5 A Yes.

6 Q In what capacity were you working at Omega for that
7 eight-month period?

8 A I think it was just a straight contract engineer.

9 I don't know what the title was.

10 Q You were paid a salary by Omega?

11 A Yes.

12 Q What position or job did you have prior to your
13 employment by Omega?

14 A Chronologically, I don't remember at this point what
15 I had before that.

16 Q You don't remember what company? What's your best
17 recollection, sir?

18 A My best recollection would be I was working for MCI.

19 Q Does that stand for Milwaukee Coin Industries?

20 A Yes.

21 Q Let's perhaps do it this way. We are now in 1979 and
22 working for General Electric about a year.

23 That would say that you started to work for them in the
24 Fall of 1978?

25 A No, that's obviously wrong. No, I was working for Dave

1 Nutting & Associates. That was in '75, right.

2 Q No, I only carried it back to 1977.

3 Would it be correct, sir, that you went to work for
4 General Electric in the Fall of 1978?

5 A It was in August.

6 Q In August of 1978 and prior to that, you had worked
7 for Omega?

8 A No, in August was when I started with Omega.

9 Q August of '78?

10 A I'm very bad on dates obviously.

11 Q Perhaps it would be helpful to you if we went in the
12 other direction and let's try that.

13 After high school, have you had any education beyond
14 the high school level?

15 A Yes.

16 Q Could you tell me what that is, sir?

17 A I have completed a two-year college.

18 I have an Associate Degree.

19 Q From what institution?

20 A MIT Greater Milwaukee.

21 Q MIT stands for Milwaukee Institute of Technology?

22 A Yes.

23 Q When did you receive that degree?

24 A I believe that was in 1967.

25 Q And what was your special field of study to get that

1 degree?

2 A Technical engineering.

3 Q Technical engineer. What kind of courses did you
4 take?

5 A There was a lot of basic college course and the major
6 was in electronics.

7 Q After you received that degree, what was the first
8 employment that you had?

9 A I was employed when I was going to school.

10 Q All right, sir. By whom were you employed?

11 A Jordon Controls.

12 Q Do you know when you joined that company about?

13 A No, I would have to be guessing. It would be '59 or
14 '60.

15 Q So it was a number of years prior to your getting a
16 degree from MIT?

17 A Yes.

18 Q And what position did you have at Jordon Controls?

19 A I was an engineering technician, production technician
20 and I believe it was that.

21 Q What generally was the business of Jordon Controls?

22 A Jordon Controls is in automation equipment.

23 Q Just for factories?

24 A Any place they could sell it.

25 Q And what generally were your duties while you were an

1 employe of that company?

2 A Well, I was a production technician.

3 I was building products whereas in engineering, I was
4 working on updating documentations and product develop-
5 ment.

6 Q Were you at anytime engaged in the design or the
7 development of products?

8 A Yes.

9 Q On your own or were you working under somebody's
10 supervision and direction?

11 A No, it was under supervision.

12 Q Did you actually make designs yourself?

13 A No, not then.

14 Q When did you leave the employ of Jordon Controls?

15 A I left there when I went to Dave Nutting Industries.

16 Q Nutting Industries.

17 A I don't remember the exact years. I would have to
18 look that up.

19 Q How many years was that after you received your degree?

20 A I don't know. I stayed at Jordon's for nine years.

21 Q So would you have joined Nutting Industries about
22 1968 to '69?

23 A That sounds about right. I would have to get my books
24 out to give you any closer.

25 Q You do have books that tell you these things?

1 A Well, I've always had a short memory. So I kept
2 notes on my employment, yes.

3 I've had to fill out job applications.

4 Q What position did you have when you first went to work
5 for Nutting Industries?

6 A I think I called myself a Development Engineer.

7 I was basically an Electronic Technician in Development.

8 What was the business of Nutting Industries?

9 A Nutting Industries was in coin operated using machines.

10 Q Did you report to anybody while you were employed at
11 . Nutting Industries?

12 A Yes.

13 Q To who did you report?

14 A Dave Nutting.

15 Q Could you be more specific as to what kind of coin
16 operated amusement games were being built or designed
17 by Nutting Industries when you first joined the company?

18 A When I first joined the company, they were producing
19 the IQ computer.

20 Q Did you have any responsibilities in connection with
21 that particular game?

22 A I don't really know how to answer that because once
23 you are in engineering, anything that occurs in the
24 engineering environment is somewhat your responsibility.

25 Q Well, did I understand you correctly, sir, when you

1 first joined the company, that game was in production?

2 A Yes.

3 Q And had already been designed?

4 A Right.

5 Q So you had no design responsibility?

6 A No; none.

7 Q Did you have any responsibilities in connection with
8 its actual production?

9 A No. Strictly from the development standpoint, that's
10 all.

11 Q But unless I misunderstood, I thought the game had
12 already been developed?

13 A Yes.

14 Q So you weren't responsible for that?

15 A No, I wasn't.

16 Q Then what responsibilities or activities did you have
17 in connection with the IQ computer game?

18 A Well, I had to learn how the circuit worked.

19 Q And how did you go about doing that?

20 A Nutting Industries had a technician that was going
21 into service and I was basically taking over his
22 plant. So he and I sat down and went over the whole
23 circuit and told me how it worked, and then I was on my
24 own.

25 Q At the time you first joined Nutting Associates, was

1 the company --

2 MR. WELSH: I object. He said Nutting
3 Industries.

4 MR. GOLDENBERG: Nutting Industries.

5 I apologize.

6 Q Nutting Industries, was the company making anything
7 other than the IQ computer game? This would be about
8 '68, '69.

9 A You mean as far as manufacturing is concerned?

10 Q Yes, sir.

11 A I don't think they were.

12 Q Were other games in the process of development at that
13 time?

14 A Yes, they were.

15 Q Could you tell me what they were, sir?

16 What kind of games?

17 A To the best of my memory, one of the games that they
18 were working on was kind of an off-shoot for the 105
19 computer and it was called the Puzzler, and the other
20 one was a two player IQ computer and well, that's all
21 I can say at this point.

22 I'm sure Mr. Nutting had used very innovative and had
23 many other things to do.

24 He was involved in as far as development which was
25 concerned which he didn't talk to me about.

1 Q But you --

2 A These are the ones that I eventually did some production
3 on.

4 Q And those are the ones that you have knowledge of?

5 A Yes.

6 Q You didn't know what was on Mr. Nutting's mind; do you?

7 A No.

8 Q Unless he chose to tell you?

9 A Yes.

10 Q What was the 105 computer?

11 A The Model 105 was the IQ computer.

12 It was just an engineering model I guess you might
13 call it that.

14 Q I see. Now the IQ computer, was that a game that was
15 electrically controlled?

16 A Yes.

17 Q Could you describe generally the control circuit for
18 that game, just generally, sir, what happened?

19 A Well, I don't know if I can describe the control circuit
20 but I can tell you what it did.

21 Q Tell me what it did and we will see how far we can go.

22 A There was a 35 millimeter projector in there and on the
23 front panel there was five switches labeled A through E
24 and the game consists of answering four questions under
25 a time limit and the faster you answered correctly, the

1 higher the score you got.

2 Q Was the control for that game a solid state control?

3 A They were trying both approaches at that point.

4 Q Well, what about --

5 A One was solid state and one was relay.

6 Q What about the production game?

7 Is it solid state or relays?

8 A That was relays.

9 Q But a solid state game was being designed; is that
10 what you are saying?

11 A Yes.

12 Q Did you have any responsibility for that design?

13 A Well, I did from the standpoint of building the
14 circuits, but I did not do the designing.

15 Q Who did the designs, sir?

16 A Robert Morger. (phonetical spelling)

17 Q Do you know where Mr. Morger is today?

18 A He's some place here in town.

19 He's a consultant.

20 Q Did he leave the employe of Nutting Associates before
21 you did or after you did or what if you would recall?

22 A I think I would be speculating, but I think he --

23 MR. WELSH: Don't speculate.

24 THE WITNESS: I'm sorry. I don't know.

25 MR. GOLDENBERG:

1 Q What's your best recollection, sir?

2 A He left first.

3 Q Did you have any responsibility for actually physically
4 building the solid state control for the IQ computer?

5 A Yes, I did some of it.

6 Q Well, what did you work on when you first joined the
7 company? Did you work on the solid state IQ computer?

8 A Gees, I don't remember what I first worked on.

9 Q Did you work on the two player IQ computer?

10 A I don't think I did the work on that at all.

11 Q Did you have your responsibility in connection with
12 the solid state IQ computer?

13 Was that a small part of what you did?

14 Were you really working on something else?

15 A Well, I did. Yeah, I did a lot of work on engineering
16 drawing.

17 Q Preparing drawings?

18 A Yes.

19 Q Under Mr. Morger's direction?

20 A You have to keep in mind that I was the only one outside
21 of Mr. Nutting in the Engineering Department at that
22 point. So everything got done as far as engineering
23 the product, making the product and getting down to
24 production. I had to have that done and do it myself.

25 Q Was Mr. Morger in the Engineering Department?

1 A No, he was a consultant.

2 Q I see. So he was not actually an employe of Nutting
3 Industries?

4 A No, he did the designing. That was it.

5 Q And was the solid state IQ computer ever built as a
6 commercial product by Nutting Industries?

7 A No.

8 Q Do you know why not?

9 A No, not really.

10 Q Was it working prototype or was that model ever built?

11 A Yes.

12 Q Did it work?

13 A Yes.

14 Q Do you know whether or not it was ever offered for sale
15 to anybody?

16 A No, I don't.

17 Q Do you recall the circuit arrangement of the solid
18 state IQ computer?

19 A Circuit arrangement?

20 Q Yes. What is the circuit design?

21 A No.

22 Q Did it have a 35 millimeter projector in it also?

23 Do you recall that?

24 A Yes, it was the basic model after the IQ 105.

25 So as far as our feature concern, it was supposed to

be basically the same thing.

Q It was doing with solid state electronics instead of relays?

A Yes.

Q How about the two player IQ computer, was that ever built and offered for sale by Nutting Industries?

A Yes, it was.

Q Was that solid state or --

A No.

Q That was relayed control?

A Yes.

Q And your present recollection is that you had nothing to do with the design of that product; is that correct?

A The two player?

Q Yes, or little to do with it?

A No.

Q I'm sorry. I've confused the record by interjecting, sir: You had nothing to do with it; is that correct?

A I can't answer that question.

O Why is that? You don't recall?

A Your question was do I have -- Did I have anything to do with it? I may have. I probably worked on the drawings, but working on the development itself, I don't think I had much to do at all.

MR. WELSH: I would like to instruct you

1 again not to speculate as to what you probably did.

2 MR. GOLDENBERG:

3 Q You had no responsibility for the design of the
4 product?

5 A No.

6 Q But you may have worked on drawing preparation?

7 A Yes.

8 Q Thank you. After the Nutting Industries work on the
9 solid state IQ computer and the Puzzler game and the
10 two player computer game were done and whatever you had
11 to do, what did you work on, sir?

12 A The only thing that we worked on after that that I
13 remember is the Red Baron game.

14 Q What was the Red Baron game, sir?

15 A That was a painted disc with many airplanes on it.
16 It would rotate and was projected on to a screen and
17 it had a little machine gun in front which you could
18 push to shoot the Red Baron down.

19 Q Was that game ever built as a commercial game by
20 Nutting Industries?

21 A Yes.

22 Q Was that a solid state game or was that a relay
23 controlled game?

24 A That was a relay game.

25 Q Once again, what were your responsibilities in

1 connection with the design development of that game?

2 A None with the design. It was basically engineering.

3 Q And what do you mean?

4 A Well, documentation.

5 Q Documentation?

6 A If I might have gotten into -- I don't want to speculate
7 again.

8 Q Who designed that game, sir?

9 A I don't know who designed that one.

10 Q Was it designed by somebody in the employ of Nutting
11 Industries or was it designed by somebody who was an
12 interconsultant to that company?

13 A I don't know where you came up with that.

14 Q Who's he?

15 A Mr. Nutting.

16 Q The solid state IQ computer, did that have a program-
17 able computer in it?

18 A 1968?

19 Q Yes.

20 A No.

21 Q How did you tie up the five switches with the questions
22 and the answer and the timer?

23 How was that done?

24 A I don't know.

25 Q What was the next game after the Red Baron that you --

1 A There wasn't any.

2 Q And what happened to Nutting Associates?

3 MR. WELSH: It was not Nutting Associates.

4 MR. GOLDENBERG:

5 Q Nutting Industries, I apologize.

6 A They went out of business.

7 Q What year is that, sir, and have in mind that you
8 joined in '68, '69 about.

9 About how many years after you joined it, three, four,
10 five years? I simply want your best recollection.

11 A I would say about three years.

12 Q So that would have been about 1970, 1971, perhaps '72?

13 A I believe something like that.

14 Q Anywhere from '71 to '72 is your best recollection
15 on that?

16 A Yes.

17 Q After Nutting Associates went out of business, what
18 did you do? Nutting Industries. I misspoke again.

19 A I went to work for Ken-Com Corporation.

20 Q Where is that company located, sir?

21 A In Milwaukee.

22 Q And what business was it in at that time?

23 A Two-way communications.

24 Q Did it manufacture such communications?

25 A No.

1 Q Was it a distributor or seller of the products of
2 others?

3 A It was a distributor.

4 Q What did you do for Ken-Com?

5 A Service Technician.

6 THE REPORTER: Would you please spell that?

7 THE WITNESS: K-e-n dash C-o-m.

8 MR. GOLDENBERG:

9 Q Would you call on customers who were having service
10 problems and repair their equipment for them; is that
11 it?

12 A I would as long as I had somebody with me.

13 See, I didn't have a FCC license so I had always
14 somebody with me, but that's worked on.

15 Q Did you do anything else for the company as a Service
16 Technician?

17 A No.

18 Q How long did you work for Ken-Com?

19 A I worked for Ken-Com six months.

20 Q After you left Ken-Com, what did you do?

21 A I left Ken-Com and I went to work for MCI?

22 Q Milwaukee Coin Industries?

23 A Yeah, I think it was Milwaukee Coin Industries at that
24 point. It changed to MCI later.

25 Q Was Mr. David Nutting the president in Milwaukee Coin

1 Industries? Is he the owner or the president of the
2 company?

3 A He was the president. I don't know if he was the owner.

4 Q But you know him to be the president?

5 A Yes.

6 Q When you went to work for Milwaukee Coin Industries
7 after Ken-Com, what product or products did it have at
8 that time?

9 A We were working on I think the name of the game was
10 Super Red Baron.

11 Q Did Milwaukee Coin Industries actually have the Super
12 Red Baron game in production or was it in the process
13 of being designed?

14 A It was in production.

15 Q How did that differ from the Red Baron game?

16 A It is my understanding that the first Red Baron had
17 several mechanical problems which they took out of
18 in the Super Red Baron.

19 Q Do you recall what those mechanical problems were?

20 A No.

21 Q Was Super Red Baron an electromechanical game or was
22 it a solid state game?

23 A Electromechanical.

24 Q Did you have anything to do with the design or develop-
25 ment of the Super Red Baron game?

1 A No.

2 Q That was already in production when you joined Milwaukee
3 Coin Industries; is that correct?

4 A Yes.

5 Q What were your duties and responsibilities when you
6 joined that company?

7 A Again, I worked in engineering development.

8 Q Who did you work with, sir, in engineering development?

9 A Dave Nutting.

10 Q Anybody else?

11 A Not at that point, no.

12 Q What did you work on at that time when you first joined
13 the company?

14 A I think the first real product I got into was the
15 development of the U Boat.

16 These games were so much alike, it's hard for me at
17 this point to differentiate whether made by Nutting
18 or made by MCI.

19 Q Could you describe the U Boat game?

20 A The U Boat was -- It's the same as the Super Red Baron
21 again except it had little ships on it.

22 You look through a periscope.

23 Q And you try to sink the ships?

24 A Right..

25 Q Was this an electromechanical game?

1 A Yes.

2 Q That was an electromechanical game.

3 Was that game in the process of being designed when
4 you joined Milwaukee Coin?

5 A I don't know.

6 Q Well, did this design commence shortly after you joined
7 in the company?

8 A I don't have no idea.

9 Q Well, you said you had something to do with it or your
10 recollection is that you did.

11 What do you recall that you had to do with that game?

12 A Well, developing some of the hardware, the electronic
13 piece, assembling it, but as far as when it was designed,
14 I don't know. I had nothing to do with that.

15 Q I see. You yourself had no design responsibility?

16 A No.

17 Q Did you have any responsibility for the engineering
18 documentation of the game?

19 A Yes, I was involved in that.

20 Q Did you also have a responsibility for physically
21 building the hardware, forming the part of the game?

22 A Strictly from a development standpoint, yes.

23 Q Not from the production standpoint?

24 A No, I didn't get into production at all.

25 Q Did the game ever go into production?

1 A Yes, it did.

2 Q What is your best recollection as to when the game
3 went into production after you joined MCI?

4 Was it six months? Was it a year? Was it three months?

5 A I don't really remember because I don't remember when
6 I started there.

7 I think I do remember. We showed it at the show which
8 is usually the latter part of the year, October, November.

9 Q Was that the MOA Show?

10 A Yes.

11 Q Is that the show held in Chicago in the Fall of the
12 year about this time of the year, approximately a little
13 later?

14 A Right.

15 Q And how long before that show had you been with the
16 company?

17 A I don't know.

18 Q A year, six months?

19 A I have no idea. I don't think my records tell the
20 date.

21 Q And you do have records that tell those dates?

22 A Most of them, yes.

23 Q You don't have them with you though, do you?

24 A No.

25 Q Would you be willing to go get them over the noon hour?

MR. WELSH: Counsel, we are not going to produce any records today.

MR. GOLDENBERG:

Q How long would it take you to go get those records?

A About an hour.

Q That's to go and return?

A That's provided I can find them.

We just moved.

Q What's the nature of those records, sir?

A They're strictly got to do with my salary and when I started at different organizations.

Q I see. Is this collected in a notebook or some kind
or file?

A It's all personal information.

O I understand. Do you know where that file is?

A It has to be in the house some place.

Q All right, sir. After the U Boat game, what did you work on at Milwaukee Coin?

A I don't really remember what we worked on after that. There were several games along the same line that we came out with.

My involvement was basically about engineering drawing from that standpoint. In fact an architect.

Q Could you give me the several games and being understood
that you are not clear whether you at this time whether

1 or not actually worked on them? I understand that.

2 A It was Desert Fox. There was another one called Ace
3 Junior.

4 Q I'm sorry. What was that?

5 A Ace Junior.

6 Q Ace, A-c-e?

7 A Yes, and Flying Ace.

8 Q The Flying Ace?

9 A And that's all I can think of at this point.

10 Q What was the Desert Fox game?

11 A Same thing only with tanks on it.

12 Q Was that a solid state or electromechanical?

13 A Electromechanical.

14 Q How about Ace Junior? What kind of game is that?

15 A It had airplanes on it.

16 Q The same thing. Was it a shoot down game?

17 A Yes.

18 Q You were trying to shoot down the Red Baron?

19 Q You were trying to shoot down somebody?

20 A Yeah, probably World War II pictures.

21 Q I see. How about Flying Ace. What was that?

22 A That was the same as Ace Junior but only was bigger.

23 A It was made specifically for an arcade.

24 Q What was Ace Junior made for if it wasn't made for an

25 arcade?

1 A I think it was aiming at more what is called a street
2 piece.

3 Q What's a street piece?

4 A That's a street piece you put in a bar or a smaller
5 location.

6 Q Were those all electromechanical games?

7 A Yes.

8 Q Now you have no present recollection as to what
9 involvement if any you had with those games; is that
10 correct?

11 A Well, yeah. I developed, helped develop some of the
12 prototype circuits.

13 Q For which games, sir? All of them?

14 A All of them I don't know.

15 Q You don't know. Do you have any recollection with
16 respect to any one of them where you helped develop
17 prototype circuits?

18 A Well, one in particular which I forgotten was Air Ball.
19 That was made at MCI.

20 No, I built that whole -- assembled the whole thing and
21 tested it.

22 Q Did you design it?

23 A That particular one, we tried. Dave Nutting asked
24 me to design the electronic version.

25 Q Did you do that?

1 A Yes, I did.

2 Q What was the Air Ball game?

3 A It was a game that had four or five targets suspended
4 from a chassis on the top with a hole in it and you
5 try to put a ping pong ball through the center of it.
6 There was a blower up in the air.

7 Q A ping pong ball directed by an air stream?

8 A Yes.

9 Q Directed the air stream?

10 A Yes.

11 Q And the player could direct the air stream and try
12 to put it through one of the holes in a suspended
13 ball and he would score points then if he did so?

14 A Yes.

15 Q Was the original design of that game electromechanical
16 game?

17 A We started out with an electronic game.

18 Q Electronic game and did you design that electronic
19 control circuit for that game?

20 A Yes, I did.

21 Q And right now you don't remember what year that was?

22 A I would say that was 1973.

23 Q Did you complete that design?

24 A No.

25 Q Why wasn't it completed? in many no answers

1 A Dave Nutting decided to go ahead with the electro-
2 mechanical version of it.

3 Q I see, sir. Do you recall what the circuit technique
4 or design approaches you were using in the design you
5 were working on for the Air Ball game?

6 A I don't know if I understand the question.

7 Q Well, do you recall the circuit that you designed for
8 that game?

9 A Yes, vaguely.

10 Q Could you describe it as you best recall it?

11 A Well, I designed the circuits basically using the
12 technology called 300 series made by synthetics.
13 That's DTL circuit.

14 Q Do you have any documents at home in connection with
15 that design activity?

16 A I don't know.

17 Q Is there a chance that you might?

18 A There's a remote possibility.

19 Q Have you looked for any?

20 A No.

21 Q Why not?

22 A Well, the machine was never designed?

23 Q Did you read the subpoena that was served on you?

24 A Yes.

25 Q Did you look for documents in response to that subpoena?

1 A I looked through my file.

2 Q What did you look through?

3 A My files.

4 Q What physical forms are your files? Are they in a
5 filing cabinet?

6 A Being in engineering, obviously you collect data in
7 relationship to whatever your engineering tasks are.

8 Q But I'm asking you, sir, what's the physical form of
9 these files that you have?

10 Are they in a filing cabinet?

11 A I have a filing cabinet at home, yes.

12 Q Are the files that we are talking about in that filing
13 cabinet?

14 A No.

15 Q Are they in boxes or where are they?

16 A They're in boxes. We just moved here a few months
17 ago. We've been all over the place.

18 Q Are they in file within the boxes?

19 Are they in file folders that might look like a folder
20 in front of you here?

21 A You mean a specific item or what?

22 Q Well, these files, are they -- How are they organized,
23 sir? They're in the boxes. How are they organized
24 within the boxes, just loose papers or what?

25 A How do I answer that? Some of the information I have

was in the folders and some are in notebooks.

Q Are the notebooks in the boxes with the folders?

A I don't know.

Q Did you keep engineering notebooks of your work?

Was that your practice?

A No.

Q Then what are these notebooks that you have reference to?

A These are things I had accumulated that I thought at some point was important to me.

Q I see. In connection with your employment at Nutting Industries and Milwaukee Coin and MCR, what would you estimate the volume of your files to be?

Is the file drawer full, is it less than that, more
than that?

MR. WELSH: Could I have that question
read back, please?

(Whereupon the pending question was read
back.)

MR. GOLDENBERG: I'm sorry. I said MCR
and I meant MCI.

THE WITNESS:

A To answer that question, I would have to go through everything I have and put it in one box and to give you an answer, so I don't know.

1 Q So you can't estimate?

2 A (Witness nods head negatively)

3 Q Have you given any of your files in connection with
4 this matter to anybody?

5 A No.

6 Q Have you shown them to anybody?

7 A Yes, I did.

8 Q To whom did you show them?

9 A I showed them to these two gentlemen.

10 Q When did you do that, sir?

11 A This is in our first meeting.

12 Q Did they make any copies of any documents?

13 A None. Like I say, they didn't even look at them.

14 Q What do you mean they didn't look at them?

15 A What I meant is they didn't examine them like you
16 pick up a document and start looking through it.

17 Q They didn't do that?

18 A No.

19 Q Did they indicate any interest of what was in them?

20 MR. WELSH: Objection to the question as
21 calling him to analyze and give an opinion as to what
22 we were thinking.

23 MR. HARDING: Would you read back the
24 question, please?

25 MR. WELSH: Also object further that it

1 involves communications for which attorney-client
2 privilege is claimed and instruct you that you need
3 not answer the question.

4 MR. GOLDENBERG: Please, mark that question.

5 Q Did they say anything to you about what was in the
6 files?

7 A I don't remember.

8 Q Did you tell them what was in the files?

9 A I don't think I have to answer that. Do I?

10 MR. WELSH: That's correct. That's
11 objectionable as involving subject matter of conver-
12 sations with counsel and you need not answer.

13 MR. GOLDENBERG:

14 Q Sunday after -- This is the Sunday afternoon meeting
15 that we are talking about?

16 A Yes.

17 Q Neither one of these gentlemen were your lawyers at
18 that time, were they?

19 MR. WELSH: He's already answered that
20 question.

21 MR. GOLDENBERG: I just want to establish
22 it at this point in the record.

23 THE WITNESS:

24 A At that time, I had been notified by them that they
25 would represent me.

1 Q They notified you of that; is that right?

2 A (Witness nods head affirmatively.)

3 Q When did you hire them?

4 A Well, officially yesterday.

5 MR. WELSH: It's already been asked
6 and answered counsel and I instruct him not to answer.

7 MR. GOLDENBERG:

8 Q Did you tell them what the files contained?

9 MR. WELSH: I object to the question as
10 calling for attorney-client communications and it's
11 in contemplation of the employment between counsel
12 and I instruct him not to answer.

13 I should say I instruct him he need not answer.

14 MR. GOLDENBERG:

15 Q Do you recall how close this Sunday afternoon meeting
16 was to this first telephone conversation that you and
17 I had?

18 A No.

19 Q Is it a week, two weeks, one month, your best recollection,
20 sir?

21 A I don't think I ever said it was after that telephone
22 call.

23 Q Oh, was it before that telephone call?

24 A I don't know.

25 Q Have you ever spoken to Mr. Fredrickson about this

1 lawsuit?

2 A Yes.

3 Q When was the first occasion that you did that?

4 A I don't know what day it was, but what was the question,
5 please?

6 Q Have you ever spoken to Mr. Fredrickson?

7 MR. WELSH: No, that wasn't the question.

8 MR. GOLDENBERG: Oh, I'm sorry.

9 I thought that was the question you had forgotten.

10 Q When was the first occasion that you had spoken to
11 Mr. Fredrickson about this lawsuit?

12 A I don't know.

13 Q Do you have any idea approximately how long ago it
14 was?

15 A I wouldn't want to even guess.

16 Q Was it after the telephone conversation that you and I
17 had or was it before?

18 A It was probably before.

19 Q What was the substance of that conversation that you
20 had with Mr. Fredrickson?

21 MR. WELSH: I object to the question
22 to the extent that it might call for communication
23 when counsel were present and instruct the witness
24 that he need not answer.

25 MR. GOLDENBERG:

1 Q Were there counsel present at this conversation?

2 A I don't know because I don't remember when that first
3 conversation was.

4 The thing probably hanging you up here is the fact
5 that I happen to be friends with those people.

6 I have other things involved with them besides that.

7 Q No, sir, that's not hanging me up at all.

8 I'm not hung up on anything.

9 I don't have any problem understanding what's going
10 on here.

11 Q Did you ever have any conversations with Mr. Fredrickson
12 about this lawsuit about which counsel were not present?

13 A I don't know.

14 Q You don't remember?

15 A (Witness nods head negatively.)

16 Q How about Mr. Nutting?

17 A In relationship to what?

18 Q Have any conversations of Mr. Nutting about this lawsuit
19 at which counsel were not present?

20 A I don't think so.

21 Q Did you ever have any conversations with Mr. Nutting
22 about this lawsuit?

23 A I don't think so.

24 Q When was the last time you spoke to Mr. Nutting?

25 A Probably about a year ago.

1 Q What was the substance of that conversation?

2 A Well, if you want to know what I wanted for lunch.

3 Q That's it?

4 A Well, talked about other things.

5 Q What were the other things?

6 A Talked about what I was doing.

7 I told him I was out to lunch and was talking just
8 general, nothing specific.

9 MR. GOLDENBERG: Mr. Welsh, I think we've
10 covered a suitable breaking point for lunch.
11 I would like to adjourn for that purpose.

12 MR. WELSH: Fine.

13 (Whereupon a recess was taken for lunch.)

14 (Whereupon proceedings continued at 1:45
15 o'clock in the afternoon.)

16 MR. GOLDENBERG:

17 Q Mr. Knuetson, did you read the testimony of anybody
18 in connection with this case before you gave your
19 deposition today?

20 A No.

21 Q But you did look at some documents?

22 A Yes.

23 Q And you don't have those documents with you?

24 A No.

25 Q When did you look at the documents?

1 A About a week ago.

2 Q Do you know where the documents are now?

3 A Well, they're in the basement in the boxes.

4 Q But you found them about a week ago and you looked at
5 them. Are these the same documents that you earlier
6 showed to your two attorneys?

7 A I didn't really show them the documents, but I did
8 take them out and show them this is where it is.

9 Q I see. But you didn't actually show them?

10 A No, it was too late at night.

11 Q Did you show your attorneys any documents last night?

12 A No. No, I showed them that affidavit I think.

13 Q You mean the subpoena?

14 A The answer's no.

15 MR. WELSH: Don't speculate.

16 THE WITNESS: All right.

17 MR. GOLDENBERG: Mr. Welsh, is the subpoena
18 going to be complied with?

19 MR. WELSH: I've already told you, Mr.
20 Goldenberg, that I advised Mr. Knuetson he need appear
21 only today in response to the other subpoena and he is
22 not available tomorrow. He has his work and also we
23 as his counsel are not available tomorrow as you've
24 been informed.

25 MR. GOLDENBERG: No, sir, I haven't been

1 informed and, in fact, I've been informed to the
2 contrary.

3 MR. WELSH: That we're available?

4 MR. GOLDENBERG: That at least one of
5 you are.

6 MR. WELSH: Well --

7 MR. GOLDENBERG: No need to go --

8 MR. WELSH: Let me say that the subpoena
9 is improper on many grounds including unreasonable
10 length of time in order to comply with it.

11 I will make the objection provided by the rules to the
12 documents and that is that they are unduly broad.

13 The document request is unduly broad and --

14 MR. GOLDENBERG: All right, sir.

15 Let's work on that and see if we can't agree on the
16 documents that should be produced.

17 MR. WELSH: Counsel, the rules by
18 representative counsel for Mr. Knuetson, the subpoena
19 issued out of this Court and applying local rules and
20 the Federal Rules as I understand the procedure, we
21 have ten days within which to serve upon the attorney
22 designated in this subpoena written objection to
23 inspection or copying of any or all of the designated
24 materials.

25 If objection is made, the party serving the subpoena

1 should not be entitled to inspect and copy the materials
2 except pursuant to an order of the Court for which the
3 subpoena was issued.

4 MR. GOLDENBERG: And you refuse to discuss
5 the scope of the document request of the subpoena;
6 is that your position?

7 MR. WELSH: Yes, at this time, we've
8 already indicated.

9 MR. GOLDENBERG: Are you advising --
10 MR. WELSH: Before you served this
11 subpoena, you indicated --

12 MR. GOLDENBERG: Are you advising the
13 witness not to obey the subpoena tomorrow?

14 MR. WELSH: What I advised our client
15 is none of your business.

16 MR. GOLDENBERG: Well, then I put you on
17 notice, sir, that I will be here tomorrow morning at
18 ten o'clock prepared to go ahead with this deposition
19 and if the witness is not here for the deposition,
20 I will move to cite you for contempt and move to refer
21 attorney fees from your client and you.

22 MR. WELSH: Well, I will put you on notice
23 at this time that the witness will not appear here and
24 neither will Mr. Katz or I.

25 MR. GOLDENBERG: All right. Are you going

1 to be available tomorrow, sir?

2 THE WITNESS:

3 A Well, I can't go to work.

4 Q So that's the normal thing? That's just a normal
5 work day?

6 A Well, we are working seven days a week.

7 Q I understand that, sir, but it's a normal work
8 situation?

9 A I have other appointments that I would have to cancel.

10 Q All right.

11 MR. WELSH: I will state my objections
12 further on the record that this subpoena is improper
13 because based upon an inadequate notice with respect
14 to the production of documents.

15 MR. GOLDENBERG: No, sir, it isn't.

16 MR. WELSH: And with respect to the notice
17 given in it is highly unreasonable to serve the subpoena
18 on one day for the next, sir.

19 MR. GOLDENBERG: Let me ask you, sir.

20 Are you speaking now as attorney for Bally or the attorney
21 for the witness, Mr. Knuetson?

22 MR. WELSH: As a witness for Mr.
23 Knuetson. I mean as attorney for Mr. Knuetson.
24 As an attorney for Bally, I object because you were
25 under notice that we were taking a deposition in Las

1 Vegas tomorrow.

2 MR. GOLDENBERG: I would remind you that
3 when this deposition was scheduled, it was scheduled
4 for Thursday and the possibility that two days would
5 be required.

6 I would further remind you that you had a conversation
7 with Mr. Rifkin about a week ago and Mr. Katz was
8 involved after receiving the notice with respect to
9 Collin Foster's deposition (phonetical spelling) that
10 we were possibly going to go two days and don't
11 understand how you couldn't have received that notice.
12 So certainly on behalf of Bally, you have no complaint
13 about notice and notice which I further remind you
14 that you originally received from day to day shall
15 continue.

16 There's no more that you could have asked in the way
17 of notice.

18 Now you were fully aware of that and it is your capacity
19 as attorney for Bally and your capacity as attorney for
20 Mr. Knuetson that you apparently didn't choose to tell
21 him that it might take more than one day.

22 MR. WELSH: He was instructed that it
23 would take only -- that he need to appear only for
24 one day under the subpoena.

25 MR. KATZ: Mr. Rifkin was told that, too,

1 that this deposition was only going to go one day.

2 MR. GOLDENBERG: How should you know?

3 You can't tell Mr. Rifkin how long I'm going to take
4 to take a deposition.

5 Mr. Katz, you know that perfectly well and as I say,
6 you knew when the date was arranged.

7 It was arranged for Thursday and the possibility that
8 Friday would be required. You've known that for months.

9 MR. KATZ: You are intentionally dragging
10 this out to make it two days when you could finish it
11 instead of making all these arguments --

12 MR. GOLDENBERG: I can't.

13 MR. KATZ: -- relevant questions.

14 MR. HARDING: Those questions and you
15 are not going to make them available to me.

16 MR. KATZ: Well, the rules --

17 MR. WELSH: You are not entitled to those.

18 MR. GOLDENBERG: I am entitled to those
19 documents. You can't claim anything about lack of
20 notice.

21 We have the witness's testimony about availability of
22 the documents. He looked at them within the past
23 week. There's no question of notice or fairness or
24 anything like that.

25 They're simply attempting to obstruct this proceeding.

1 That's all you are doing and I'm not going to sit
2 still for it.

3 MR. KATZ: You are merely trying to harass
4 the witness and dragging out to interfere with our
5 deposition schedule for tomorrow.

6 MR. GOLDENBERG: Well, I will continue
7 with the deposition for now.

8 In the interim, I am going to arrange with our local
9 counsel to see if we can see a judge this afternoon.

10 MR. HARDING: Let's take a five minute
11 break.

12 MR. KATZ: Then we should dismiss the
13 witness.

14 MR. WELSH: Let's dismiss the witness.

15 MR. GOLDENBERG: We are not dismissing
16 the witness because I think I want the witness to go
17 in front of the judge.

18 MR. KATZ: Well, you may want a lot of
19 things, but I don't think you are entitled to that and
20 I think you are creating many problems.

21 MR. GOLDENBERG: Mr. Katz, I'm going out
22 to see if we can arrange to see a judge this afternoon.
23 I will be back in five minutes.

24 If the witness is not here when I return, I assure you
25 we are going to see the judge.

1 MR. KATZ: Will you be back in five minutes?

2 MR. GOLDENBERG: I will come back close
3 to five minutes as I can, sir.

4 As soon as we have the information, Mr. Welsh, we will
5 let you know.

6 (Whereupon a short recess was taken.)

7 MR. GOLDENBERG: We will not be able to
8 see a judge today.

9 Q Mr. Knuetson, is it correct that you have had conver-
10 sation with Mr. Fredrickson about this lawsuit at least
11 once?

12 A I don't know.

13 Q You don't remember?

14 A No.

15 Q Well, apart from Mr. Fredrickson and Mr. Katz and Mr.
16 Welsh, have you had any conversation and this girl at
17 General Electric following my telephone call, have you
18 had any conversations about this lawsuit?

19 A No.

20 Q Has anyone told you what it is about?

21 A Not really, no.

22 Q You don't have any understanding?

23 A No.

24 MR. WELSH: Objection to the question to
25 the extent that it calls for communication.

1 MR. GOLDENBERG: He's already answered.

2 MR. WELSH: I know. I object to the
3 question and I think you knew it was improper when you
4 asked it.

5 MR. GOLDENBERG: No, I don't think it's
6 improper at all.

7 MR. WELSH: Because it wasn't limited
8 to conversations outside of conversations with counsel.

9 MR. HARDING: Also is not directed to
10 seeking legal advice, Mr. Welsh, which I think is a
11 necessary requisite for privileged communications.

12 MR. GOLDENBERG:

13 Q Have you sought any legal advice or connection with
14 this matter?

15 A Yes.

16 Q From whom?

17 A These two gentlemen right here.

18 Q About what subject, sir?

19 MR. WELSH: I object to this line of
20 questions as calling for attorney-client privilege
21 and instruct the witness he need not answer.

22 That's exactly in line with the requirements for the
23 attorney-client privilege.

24 MR. GOLDENBERG: I can't inquire about
25 the subject?

1 MR. WELSH: That's right. That's the
2 substance of the communication.

3 MR. GOLDENBERG: I disagree.

4 Q When did you seek legal advice?

5 MR. WELSH: I object to this line of
6 questioning. Further, it's the fourth time that you
7 have gotten into the line and I will instruct the
8 witness not to answer because you are harassing the
9 witness and you are taking undue time repeating the
10 same subjects.

11 MR. GOLDENBERG: I'm trying to understand,
12 sir, the situation which is practically beyond my hand.

13 Q Has anyone ever suggested to you answers that you might
14 give in response to questions that would be put to
15 you during the course of this deposition?

16 MR. WELSH: I object to that question to
17 the extent that it calls for any revealing substance
18 of any communication with counsel and instruct the
19 witness he need not answer.

20 MR. GOLDENBERG: I take it you are not
21 going to answer the question?

22 THE WITNESS: No.

23 MR. HARDING: Does that mean, Mr. Welsh,
24 that you are claiming privileged for any communications
25 you have had with this witness about the testimony say

1 of Mr. Fredrickson or about his testimony he's going
2 to give here today?

3 You are claiming privileged on those communications?

4 MR. WELSH: I am claiming privilege on
5 the communications that we have had with Mr. Knuetson.

6 MR. HARDING: All communications regardless
7 of subject concerning the lawsuit?

8 MR. WELSH: Communications regarding the
9 lawsuit.

10 MR. HARDING: And that includes how he
11 has to testify here today?

12 MR. WELSH: I'm saying all communications.
13 That would include that.

14 MR. GOLDENBERG:

15 Q Have either Mr. Katz or Mr. Welsh suggested to you
16 possible answers to questions that might be put to you?

17 MR. WELSH: Same objection and I instruct
18 the witness that he need not answer.

19 MR. HARDING: Would you mark that, please.

20 MR. GOLDENBERG:

21 Q I take it, sir, you will not answer that question?

22 A My counsel advised me not to. So no, I'm not going to.

23 MR. GOLDENBERG: Please mark the question.

24 Q Mr. Knuetson, following your work on the -- strike that.

25 Could you describe briefly the electronic version of

1 the control circuit that you designed for the Air
2 Ball game?

3 MR. WELSH: If you recall.

4 THE WITNESS: I thought I already answered
5 that question earlier.

6 MR. GOLDENBERG:

7 Q I don't believe you did, sir.

8 You told me I think it was a DTL.

9 MR. WELSH: I object. The witness is
10 right. He said he used a 300 series of DTL of synthetics
11 and it is the exact question and he gave the answer,
12 Mr. Goldenberg.

13 You are prolonging the deposition unduly by repeating
14 questioning in the same areas.

15 MR. GOLDENBERG: I merely want more
16 specific types of components you used.

17 Q Do you understand my question, sir.

18 You've told me that types of compounds that you used.
19 I'm now asking you to describe the circuit?

20 A I don't really remember what the actual circuit was.

21 Q I see. After you worked on the Air Ball circuit,

22 what project did you work on for I guess at that time
23 it was called Milwaukee Coin and I think you told me
24 that was about 1973?

25 A I think the next project that came up was the Safe.

1 A No, I did not.

2 Q Did Mr. Fredrickson design the circuits?

3 A Yes, he did.

4 Q What do you mean by the engineering implementation
5 then?

6 A Well, somebody has to draw or see that the schematics
7 are drawn, parts listed and documentation.

8 Q Is this again the engineering documentation that you
9 referred to earlier?

10 A I don't know if that's part of it or not, but that
11 is called documentation.

12 Q That's called documentation and this was done under Mr.
13 Fredrickson's supervision?

14 A No, I was responsible for engineering and he was
15 responsible for the designing.

16 Mr. Nutting was responsible for both of us, of course.

17 Q Well, who told you what to put in a drawing, for
18 instance?

19 A Nobody. That was my job. I was supposed to know
20 what went in there.

21 Q Well, did you -- Whose -- I apologize, sir.

22 I'm confused. But, for instance, whose idea was it
23 to say we will have a box that looks like a safe?

24 A The synthetics of the cabinet and that was designed by
25 Mr. Nutting. The actual circuit was designed by Jeff.

1 Q And then what did you design?

2 A At some point he gave it to me and we had to start
3 generating hardware and that was my job.

4 Q When you -- What do you mean generating hardware?

5 A Well, when you start it out, any electronic piece, you
6 usually do it on a prototype basis and in that case,
7 I think we used a wire wrap board, and then, of course,
8 you can't -- These things are quite expensive.

9 So you can't go into production.

10 So you get the generator printer circuit board.

11 Q So you designed the printer circuit board?

12 A No, we had a draftsman that took care of that.

13 We had a part time person working for -- He did the
14 art work and I, you know, worked with him telling him
15 basically how it should be laid out.

16 He was right over Jeff, you know, to reduce noise and
17 that stuff.

18 Q Was the Safe game actually built?

19 A Yes.

20 Q Did it ever go into production?

21 A Yes.

22 Q And they were sold?

23 A Yes.

24 Q Was it a solid state game?

25 A Yes.

1 Q What generally was the electronic circuitry used
2 in that game? Can you describe it?

3 A Well, the components used were 7400 series.

4 I don't know what you are after.

5 Q That's part of what I'm after.

6 A To describe the circuit?

7 Q I visualize the game, sir, with a dial on the board
8 with numbers around it like a safe combination lock;
9 is that a correct visualization?

10 A Right.

11 Q And the player of the game would rotate this dial and
12 he could turn it to the right or to the left?

13 A Yes.

14 Q Suppose he stopped at a particular number, what
15 electronic circuitry was provided to indicate that and
16 then do something in response to that indication?

17 A There was a sound effect that came on when you got
18 to the correct number provided he's going in the correct
19 direction and you are supposed to stop at that point
20 and then reverse your direction.

21 If you went too far, then you have to start all over
22 just like one of the real things.

23 Q I see. Now was the correct direction and the correct
24 number periodically changed by the control circuit
25 or did it remain the same all the time?

1 MR. GOLDENBERG: And not bring any documents?

2 MR. WELSH: That is correct also.

3 MR. GOLDENBERG: We will go today because
4 I cannot get to a judge here and am told that we cannot
5 do it tomorrow. I will seek whatever relief is appropriate
6 against the Plaintiff and against the witness.

7 MR. HARDING: Mr. Welsh, is it correct
8 that you are going to ignore the subpoena that was
9 served today?

10 MR. GOLDENBERG: You are not yourself
11 going to move to quash it or anything like that?

12 MR. WELSH: I haven't really determined.
13 I'm saying we do not intend to have the witness here.

14 MR. GOLDENBERG: All right, sir. I
15 would like the subpoena, please.

16 MR. WELSH: The subpoena's been served
17 on the witness.

18 MR. KATZ: Let's withdraw it.

19 MR. GOLDENBERG: That's yours, sir.
20 I would like the record to show that the witness was
21 served with the subpoena and, of course, the return
22 on service will be prepared and filed with the Court
23 and I would like the record to show that the subpoena
24 was accompanied by a check in the appropriate sum
25 of money for witness fee and travel expenses and that

1 check has now been handed once again to the witness.

2 At this time, I would like the subpoena to the witness
3 for tomorrow be marked as Knuetson Deposition Exhibit
4 No. 2.

5 MR. WELSH: With the understanding that
6 it will remain in the possession of the witness.
7 It's his document now.

8 MR. GOLDENBERG: No.

9 MR. WELSH: Well, you can't withdraw the
10 subpoena.

11 MR. HARDING: I'm sure if you are with-
12 drawing the subpoena, I'm sure we can get a copy of it
13 made to attach to the record if you will agree as
14 sufficient.

15 MR. WELSH: If you are withdrawing the
16 subpoena.

17 MR. GOLDENBERG: I'm not withdrawing the
18 subpoena. Let's get a copy of it made and we will
19 mark a copy.

20 Would you want to watch the subpoena run through the
21 copy machine, Mr. Welsh?

22 MR. WELSH: I think that remark was
23 completely improper.

24 MR. GOLDENBERG: I don't. I don't. I think
25 it's long overdue.

1 The original subpoena is being left with the witness.

2 A copy is being made and that will be marked.

3 Q Mr. Knuetson, I would like to read something to you
4 and I've been ordered that counsel follow this.

5 I'm reading from Paragraph F of Rule 45 of the Federal
6 Rules of Civil Procedure.

7 MR. WELSH: I object to this counsel if
8 you are placing your argument on the record.

9 MR. GOLDENBERG: No, sir. I just
10 want to be sure the witness is fully aware of the
11 consequences.

12 MR. WELSH: That's for us to advise him,
13 Mr. Goldenberg. . .

14 I don't think you are his counsel.

15 You are taking time away from the deposition.

16 It is inconvenient for him to appear on this day and
17 you are taking up the time without any regard to
18 inquiring about his knowledge of any facts.

19 MR. GOLDENBERG:

20 Q The rule reads as follows: Sir, Comtempt.

21 Failure by any person without adequate excuse to obey
22 a subpoena served upon him maybe deemed a contempt of
23 the court from which the subpoena issued.

24 Do you understand what I just read, sir?

25 A (Witness nods head affirmatively)

1 at least to some degree?

2 A Yes.

3 Q Why did you go to the seminar?

4 A Basically to try to keep abreast of what was new
5 developments.

6 Q Did you go to it because you thought it might be of
7 some interest to someone in the game business?

8 A Oh, certainly.

9 Q Did you have in mind that the games were a good appli-
10 cations for micro processors?

11 A Yes, very definitely.

12 Q Did you see any particular barriers to the use of
13 micro processors in games?

14 MR. WELSH: I object to the question as
15 lacking a foundation that he had any opinion in that
16 regard.

17 MR. GOLDENBERG: He didn't have any
18 opinion.

19 MR. WELSH: But the question is improper
20 because it doesn't determine whether he has an opinion
21 or not.

22 MR. GOLDENBERG: Well, let's do it the
23 long way.

24 Q Did you have any opinion, sir, as to whether or not
25 there were any particular barriers to the use of

1 micro processors in games during that time and when
2 you went to the seminar?

3 A Do I have an opinion?

4 Q Yes.

5 A Well, yes.

6 Q What was that opinion?

7 A The opinion was that there was a very complex piece
8 of equipment and you don't pick it up and learn how
9 to use it over night.

10 Q Did you have any questions that could be used,
11 however, if you learned how to use it?

12 A Did I have any questions?

13 Q Did you have any question in your mind that you
14 learned how to use it that it could be used in games?

15 A Oh, yes.

16 Q All right. I'm sorry. Perhaps we have a double
17 negative in there and I want to have it come out
18 correct.

19 Was it your opinion that if you did learn how to use
20 it that it could be used in games?

21 A Yes, it could have been.

22 Q So it was a matter of learning how to use it; is that
23 correct?

24 A Right.

25 Q Did you see any barrier beyond this need to learn how to

1 use it?

2 A Yes.

3 Q What was that?

4 A Well, cost, availability of parts, determining which
5 micro processor or computer, whatever you want to call
6 them were given application.

7 The difference, there were several having the ability
8 to comprehend. How to use them is probably one of
9 the biggest things that I didn't have.

10 Q You yourself have never designed a game completely,
11 have you?

12 A No.

13 Q That's not your --

14 A That's not my bag.

15 Q That's not your bag. That's not your profession.
16 Have you ever designed electronic circuits at all?

17 A No. Well, to qualify that, I design circuits for my
18 own purpose at home but as far as --

19 Q You have not done so in connection with any of your
20 employment, have you?

21 A No. Even that's not true, because there were little
22 circuits I had to design for a specific application,
23 but that was, you know, really minor.

24 Q Could you give me some examples?

25 A Sure. On one of the games, I think it was MCI, they

had problem getting a regulator which had been specified
and they couldn't get it.

Q So would that be a voltage regulator?

A Yes. So I had to come up with a little circuit breaker to come around that problem, but that's not the design. You can pick up any and get the same thing out of it and not get credit for that.

Q But it's never been -- You've never designed a control system as such?

A Right.

MR. GOLDENBERG: I would like a few minutes for a break.

(Knuetson Deposition Exhibit No. 2 was
marked for identification.)

(Whereupon a short recess was taken.)

MR. GOLDENBERG: Mr. Welsh, during the break, I had the reporter mark a copy of the subpoena served today as Knuetson Deposition Exhibit No. 2.

MR. WELSH: Could I have a copy of this?

MR. GOLDENBERG: I have a copy here for

you:

MR. WELSH: Where is the original for the witness?

MR. GOLDENBERG: There it is. I gave it

back to him.

1 witness before you now and if you take any further
2 action, we will respond.

3 MR. GOLDENBERG: We will see the deposition.

4 MR. HARDING: I have a couple of questions.

5 EXAMINATION

6 BY MR. HARDING:

7 Q Is General Electric aware that you are being deposed
8 today?

9 A I told them, the immediate supervisor, I had to be
10 off today. They don't know anything about tomorrow.

11 Q Did you show him the subpoena or the legal document?

12 A No, I did not.

13 Q Did he question whether --

14 A No.

15 Q -- you had to appear here today?

16 A No. I'm in very good standing where I work.

17 Q Right before the luncheon break, you mentioned that
18 you had other things going on with Mr. Fredrickson.
19 I believe you said, you mentioned he was a personal
20 friend.

21 What are these other things that you have going on with
22 Mr. Fredrickson?

23 MR. WELSH: I object on the ground that
24 it's irrelevant. I don't know if it's confidential or
25 not.

1 THE WITNESS: It's kind of personal.

2 It really has nothing to do with MCI or Nutting.

3 MR. HARDING:

4 Q It's personal? Is it a social relationship that you
5 are referring to?

6 A Yes.

7 Q Would you consider you are good friends with Mr.
8 Fredrickson?

9 A Yeah, I guess so.

10 Q Do you see him often?

11 A No, once every six months.

12 Q And is that a social encounter usually?

13 A Yes.

14 Q Do you have dinner together?

15 A Let me put it this way. Every year they have a MOA
16 Show which we've attended for the last seven years.
17 He's always down there and we always talk at that
18 and we always talk to him.

19 I make a specific arrangement to go down and see him.
20 I know he is there.

21 Q Is this personal relationship a family relationship
22 or primarily you and Mr. Fredrickson?

23 A No, it's more of a personal relationship.

24 Q Between the two of you?

25 A Yeah, I know his wife and he knows my wife and that's

1 can you list all the employes at Milwaukee Coin?

2 Please give me the names of all the people that you
3 can recall who were employed by Milwaukee Coin?

4 A MCI?

5 Q Well, Milwaukee Coin first and then MCI.

6 A No.

7 Q Just your recollection of who was employed then?

8 A I could give you a few of them I suppose.

9 Q Okay.

10 A Who do you want to start with, Nutting?

11 Q That's perfectly satisfactory.

12 A Well, Dave Nutting was President.

13 Harry Montgomery was Executive Vice President.

14 Dan Winters was Purchasing Agent..

15 Roger Budnic was in charge of production.

16 Q How do you spell that last name?

17 A B-u-d-n-i-c, I think it is.

18 Those were the main people that I was involved with at
19 Nutting's. I don't remember the name of the technician
20 that I took over from there, and MCI, Dave Nutting was
21 the President. Dan Winters was the Executive and
22 Ron Neuman was our Purchasing Agent.

23 Q Ron Neuman?

24 A Yeah, after a while.

25 Originally, I think when MCI started, there was only

1 A No, I don't.

2 Q When is the last --

3 A He's some place in town here.

4 Q In Milwaukee?

5 A Yes.

6 Q When was the last time you talked to Mr. Steward?

7 A Probably a year ago.

8 Q Do you know who Mr. Steward is working for now?

9 A No.

10 Q Is he still a draftsman in that profession?

11 A I have no idea.

12 Q Do you recall anyone else that you saw Mr. Fredrickson
13 working in conjunction with at MCI?

14 A Yeah, there was a technician by the name of Paul
15 Smith.

16 Q Do you know where Mr. Smith is today?

17 A I have no idea. I haven't seen him since.

18 Q Haven't talked with him since?

19 A No.

20 Q Do you recall any particular projects that Mr. Smith
21 and Mr. Fredrickson were working on together?

22 A No, not really.

23 Q Is anybody else other than Mr. Steward and Mr. Smith
24 and Mr. Nutting and yourself that you were working
25 with Mr. Fredrickson?

1 A No, at least none that I can think of.

2 MR. HARDING: I would like to take a
3 two minute break and I would like to see either Mr.
4 Katz or Mr. Welsh then I will wrap up.

5 MR. KATZ: How about both?

6 MR. HARDING: Certainly.

7 (Whereupon a short recess was taken.)

8 (Whereupon at this point, Pages 126 and
9 127 of the transcript were filed in a separate transcript
10 due to the Protective Order and marked confidential.)

1 MR. HARDING:

2 Q With respect to Mr. Fredrickson's work with a micro
3 processor, do you recall any project names that were
4 used at MCI or by Mr. Fredrickson in connection with
5 that project?

6 MR. WELSH: Objection with respect to what
7 project. You said that --

8 MR. HARDING: The early micro processor
9 work of Mr. Fredrickson?

10 THE WITNESS:

11 A No, I don't. I don't remember.

12 Q Any project names?

13 A No.

14 Q Do you recall whether Mr. Fredrickson had any name
15 that he gave to the micro processor design that he was
16 working on while he was at MCI?

17 A I don't know.

18 Q You don't know whether you recall?

19 A Right.

20 Q You may recall?

21 A I just know that I recall he had any specific name for
22 any micro project that he worked on.

23 MR. HARDING: Would you repeat the
24 answer?

25 MR. WELSH: I would like to interrupt while

1 we're still close to the testimony with respect to the
2 document with the numbered pages where the document
3 was identified by the numbered pages.

4 I want to have an agreement that that portion of the
5 testimony will be placed in the second book and treated
6 according to the Protective Order.

7 MR. HARDING: May I ask your reason for
8 that? I'm going to ask now for this expungent
9 provision to ask you to identify the technological
10 trade secret information or the business confidential
11 information that brings the Protective Order into play.

12 MR. WELSH: I agreed you could ask him
13 the question of that outside with the understanding
14 that that testimony would be treated according to the
15 Protective Order. Now you are going through the
16 qualifications on it.

17 MR. HARDING: That was only for identifi-
18 cation of the document.

19 MR. GOLDENBERG: The final agreement was --

20 MR. WELSH: I said you could ask questions
21 when we came out of that other room.

22 I said we would agree you could ask him questions about
23 it if we had an understanding that that testimony would
24 be subject to the Protective Order.

25 MR. HARDING: Okay. I'm going to agree to it.

1 I don't know what you want.

2 MR. GOLDENBERG: I will agree.

3 MR. HARDING: Now I'm going to ask for
4 the explanation of what the protectible information
5 is.

6 MR. WELSH: You can make that request.
7 and we will give you that later.

8 MR. GOLDENBERG: Why don't we --

9 MR. WELSH: When it's appropriate and
10 while we have this witness here.

11 MR. HARDING: Okay. Now let me ask another
12 question. If we have a second book in these proceedings,
13 why can't we put the information as trade secret
14 information into the second book that you instructed
15 him not to answer earlier in his deposition?

16 MR. WELSH: There's no protective order
17 with respect to his confidential information.

18 It would be available to each of you, for example.

19 MR. HARDING: Wait a minute.

20 This man is a third party witness.

21 MR. WELSH: That's correct.

22 MR. HARDING: He is no longer in the
23 employe control or anything of Bally Manufacturing.

24 MR. GOLDENBERG: We will accept that
25 he's represented by the same lawyers.

1 MR. HARDING: Is that correct?

2 MR. WELSH: He's a third party witness,
3 yes.

4 MR. KATZ: He has his own confidential
5 information. It's nobody's business.

6 MR. GOLDENBERG: All right.

7 Sir, would you submit to us a draft of what you think
8 is necessary to protect his confidential information
9 and we will consider it.

10 MR. WELSH: No. I don't think that's
11 necessary at all.

12 MR. GOLDENBERG: Why?

13 MR. WELSH: We have no obligation to do
14 it.

15 MR. GOLDENBERG: You are stopping us from
16 asking the questions.

17 MR. HARDING:

18 Q And another point, Mr. Knuetson. Are you under any
19 sort of an obligation from the employment contract or
20 whatever to maintain Bally's trade secret information
21 in confidence?

22 MR. WELSH: I object to that question as
23 calling for a legal opinion.

24 MR. HARDING: Okay.

25 MR. WELSH: And I instruct the witness he

1 need not answer.

2 MR. HARDING: I want to ask his counsel
3 that so that we can get the record straight; is he?

4 MR. WELSH: I don't know.

5 MR. HARDING:

6 Q Mr. Knuetson, do you have and did you have an employment
7 contract with Milwaukee Coin or MCI?

8 A Employment contract?

9 Q Yes.

10 A I don't understand the question.

11 Q Do you know what an employment contract is?

12 A An application blank or what?

13 Q No, it's a written agreement between you and the
14 company that you are going to be employed by confirming
15 in writing the employment relationship.

16 A I don't remember with MCI but I remember signing some
17 document when I was with Nutting Industry.

18 Q Okay. You don't recall anything for Milwaukee Coin
19 or MCI, though?

20 A I don't remember if I did or not.

21 Q Do you recall signing anything from Nutting Associates
22 concerning an employment contract?

23 A I don't remember filling that out. I remember filling
24 out a bunch of forms like -- Should I start with any
25 company?

1 Q I'm sorry.

2 A I don't remember what you are asking for is in there.

3 Q All right. Do you recall upon termination of your
4 employment either with Milwaukee Coin, MCI or Nutting
5 Associates an instruction that you were under an obli-
6 gation not to reveal any of the activities going on
7 at any of those companies while you were employed there?

8 A No, I don't remember that.

9 Q Referring to the documents which are in your files,
10 did any of those documents come from your employment
11 at Milwaukee Coin, MCI or Nutting Associates?

12 A Yes.

13 Q Were you under an obligation not to remove those
14 documents from your employer?

15 A Like I just got done saying, I don't know.
16 That was my answer to your original question.

17 I don't remember whether I signed something, whether
18 I did or not.

19 MR. HARDING: Okay. Mr. Welsh, as
20 counsel for the witness, I would like an investigation
21 of this to see whether any of the documents in his
22 possession are, in fact, business proprietary documents
23 of the company that he worked for.

24 MR. WELSH: If you make a formal request
25 in accordance with the rules, we will respond.

MR. HARDING: According to what rules?

MR. WELSH: Federal Rules of Civil
Proceedings.

MR. GOLDENBERG: This is a third party.
You have a subpoena.

MR. WELSH: I'm objecting to the subpoena.
I'm not sure I understand your question then.

MR. HARDING: All right. I am asking whether any of the documents in his possession which we contend have been subpoenaed and should have been produced here today whether those documents were removed from the premise of his employer improperly when he removed them?

MR. WELSH: You are asking me to tell you that?

MR. HARDING: Otherwise, yes.

I think we are entitled to see the documents and they're public documents.

MR. WELSH: I will repeat. If you make a proper request for documents under the Federal Rules, the documents will be produced. We will respond. I'm sorry. We will respond as I said before. I don't know what we are repeating, but you make your request in accordance with the Federal Rules and we will respond. I am responding as attorney for Mr. Knuetson

1 having in mind that he's a third party.

2 MR. GOLDENBERG: Mr. Welsh, as Mr.
3 Knuetson's attorney, will you accept service for him
4 under subpoena that the parties are issued?

5 MR. WELSH: At such time as you wish to
6 serve a subpoena on me, I will respond to that question.

7 MR. GOLDENBERG: On Mr. Welsh?

8 MR. WELSH: The witness is not a party.

9 MR. GOLDENBERG: You are his attorney,
10 sir. You are his attorney.

11 MR. WELSH: Well, we can discuss that
12 separately. That does not have to be on the record.
13 If you are through questioning the witness --

14 MR. HARDING: No, I'm not because I want
15 to get to the bottom of this.

16 It seems that I am past that.

17 He has trade secret documents of the Plaintiff in this
18 lawsuit or trade secret information and you are making
19 me put this in a secret second book.

20 MR. WELSH: It's the information you
21 brought out with respect to the document that you asked
22 that we permit you to.

23 MR. HARDING: That was over a long time
24 ago.

25 MR. WELSH: I don't know what you are

1 talking about now.

2 MR. GOLDENBERG: Mr. Welsh, my understanding
3 is --

4 MR. KATZ: He's only referring to the
5 testimony with respect to those numbered pages.
6 That is, you brought out what we discussed outside in
7 the hall.

8 MR. WELSH: That's all I'm talking about.
9 I don't know what you are talking about.

10 MR. GOLDENBERG: My understanding as we
11 walked into the room; is that it?

12 MR. WELSH: Mr. Harding already agreed
13 to it at his request and you agreed to it, too.

14 Now if we are going to argue anymore, I'm going to
15 excuse the witness.

16 MR. HARDING: We are not going to argue.
17 We are going to stay in the second book and you have
18 the question that you are going to identify the trade
19 secret information, et cetera, et cetera, et cetera.
20 That's contained in there.

21 MR. GOLDENBERG: Let's have no mis-
22 understanding. No more goes in that so-called second
23 book than the very narrow question about that document.
24 That's it.

25 MR. WELSH: There was never any other

1 suggestion on my part.

2 MR. GOLDENBERG: Well, unless I understood
3 that, sir, but I found that I have to be very specific
4 in this case.

5 MR. WELSH: Do you understand the parts
6 that go into a second book?

7 THE REPORTER: No.

8 MR. KATZ: The reporter doesn't even
9 understand.

10 MR. HARDING: All right. We are still in
11 the second book. Going back in the second book then.

12 MR. GOLDENBERG: Let's go back, all right?

13 MR. HARDING: Going back to the second
14 book --

15 MR. WELSH: You agreed you weren't going
16 to ask anymore questions about that document.

17 MR. GOLDENBERG: If we are going to have
18 a second book, make it a big second book.

19 MR. HARDING: I'm not going to ask anymore
20 about the document.

21 All right. Let's just us go outside.

22 (Whereupon a discussion was held off the
23 record.)

24 MR. HARDING: I think we were about to
25 finish except a brief statement among the attorneys.
TOP

1 Mr. Goldenberg, Mr. Welsh, Mr. Katz and I had a
2 brief conference outside of earshot of the witness,
3 wherein, I indicated that I wanted to ask this witness
4 about the certain information which has come to the
5 Defendants' attention during the course of this
6 litigation. I offered to put this portion of the testi-
7 mony in the second book or under the secrecy provisions
8 of the Protective Order that's being finalized right
9 now. Mr. Welsh, I believe, and Mr. Katz indicated
10 their position to be no, he is a third party and it
11 would be in violation of the Protective Order for us
12 to inquire using terminology which has come to our
13 attention during the course of the litigation; is that
14 correct, Mr. Welsh?

15 MR. WELSH: Yes.

16 MR. HARDING: And that's even in the
17 second book?

18 MR. WELSH: Yes.

19 MR. HARDING: And that is even though I
20 pointed out that I considered this to be an opportunity
21 to refresh the witness's recollection using certain
22 jargon of it.

23 MR. WELSH: And that is using information
24 which is subject to the Protective Order.

25 MR. HARDING: And in the same vain.

1 document request or order by way of subpoena, we will
2 respond to it.

3 MR. GOLDENBERG: We will accept, sir, the
4 subpoena of the documents.

5 MR. WELSH: I have already answered that
6 question, Mr. Goldenberg, and I'm not going to answer
7 it again today.

8 MR. GOLDENBERG: All right. Do it the
9 hard way. So now that we --

10 MR. WELSH: The deposition is closed.

11 MR. HARDING: The deposition is closed
12 for the second book.

13 MR. GOLDENBERG: The deposition is closed
14 subject to the reservations.

15 MR. HARDING: And as far as the second
16 book goes, there are maybe a dozen questions concerning
17 that particular document 360, whatever it was; is that
18 correct?

19 MR. WELSH: Well, I wish you would give
20 the instructions. It's your deposition to it.

21 MR. HARDING: It's your Protective Order.

22 MR. WELSH: Then I say we put the whole
23 thing under and get a copy.

24 MR. GOLDENBERG: There's no way, sir,
25  way, and that's totally unacceptable.

1 MR. HARDING: You said initially it was
2 those few questions and I want to make sure the court
3 reporter understand what we understand that to be.

4 MR. KATZ: I also agreed to no waiver of
5 our rights when out in the hallway.

6 MR. HARDING: I understand.

7 By our showing of that document to the witness, that
8 was not a waiver. If that document, in fact, is not
9 a public document now, then it does not become a public
10 document by showing it to Mr. Knuetson.

11 MR. GOLDENBERG: I agreed that the questions
12 that go into this so-called book according to my
13 understanding are those series of questions dealing
14 with the documents for which identifying numbers were
15 given. Do you have any different understanding, Mr.
16 Welsh?

17 MR. WELSH: Would you read it back.

18 (Whereupon pending comment was read back.)

19 MR. KATZ: And those are the documents
20 that were marked with numbers 369 to 373 according
21 to Mr. Harding.

22 (Witness excused.)

23 (Proceedings ended at 4:15 o'clock in the
24 afternoon.)

25 * * *

1 STATE OF WISCONSIN)
2) SS:
3 MILWAUKEE COUNTY)
4

5 I, DONNA M. BERES, a Notary Public in and
6 for the State of Wisconsin, do certify that DeWAYNE
7 KNUETSON, was by me duly sworn to testify the truth, the
8 whole truth, and nothing but the truth, and that the above
9 deposition was reported by me and reduced to typewriting
10 under my direction.

11 I further certify that said deposition
12 was taken at 835 North Jefferson Street, Milwaukee,
13 Wisconsin, on the 4th day of October, 1979, beginning at
14 10:00 o'clock in the forenoon, and reported by Donna M.
15 Beres of Milwaukee Reporters Associated.

16 I further certify that Donald L. Welsh,
17 Esq., and A. Sidney Katz, Esq., of FITCH, EVEN & TABIN,
18 135 South La Salle Street, Chicago, Illinois, appeared
19 on behalf of the Plaintiff, and that Melvin M. Goldenberg,
20 Esq., of McDougall, Hersh & Scott, 135 South La Salle
21 Street, Chicago, Illinois, appeared on behalf of Williams
22 Electronics, Inc., and that Wayne M. Harding, Esq., of
23 Arnold, White & Durkee, 2100 Transco Tower, Houston,
24 Texas, appeared on behalf of the Defendants, D. Gottlieb
25 and Company and Rockwell International Corporation.

I further certify that I have no interest
in said matter as an attorney or otherwise and am not
related to the parties interested herein.

I further certify that the witness read
the deposition and found it to be true and correct before
signing same.

DeWayne Knuetson 1/8/80 *Bernie Butler*
DeWayne Knuetson *Notary Public, Mil.*
 My Commission Expires
 Aug. 22, 1982

In witness whereof, I have hereunto set
my hand and affixed my seal of office at Milwaukee,
Wisconsin, this 8th day of Jan., 1980.

22nd April, 1980

Donna M. Belas
Notary Public
In and for the
State of Wisconsin

My Commission Expires: August 31, 1980.

Errata Sheet for
DEPOSITION OF DeWAYNE KNUDTSON

<u>Page/Lines</u>	<u>Error</u>	<u>Should Be</u>
All Locations	Knuetson	Knudtson
All Locations	Morger	Mauger
42-9	using	amusement
43-22	plant	job
46-16, 17	Morger	Mauger
47-19, 25	Morger	Mauger
51-13	you	he
82-10	synthetics	signetics
84-25	synthetics	estetics
85-8, 9	expensive. So	expensive so
85-10	generator printer	generate a printed
90-6	I	It
96-21	we're	were
101-20, 25	Birchell 58	Fairchild F8
102-5	synthetics	estetics
105-11	Stable	Mechanical
108-6	Avenue	Avnet
111-6	were	per
117-11	Buzzer	Puzzler
140-16	solenoid	solenoids